

Grant Kynaston

Year of call: 2023
Degree: BA (Hons Class I, University Medal), LLB (Hons Class I) (Sydney), MIsStud (Distinction, University Medal) (Charles Sturt), MPhil (Distinction) (Cantab)
Languages: French (working knowledge), Arabic (some knowledge), German (some knowledge), Hebrew (some knowledge), Polish (some knowledge), Russian (some knowledge)



Grant accepts instructions across Chambers' areas of expertise, including in commercial disputes, public and regulatory law, civil fraud, company law, sports, and competition.

Recent highlights include assistance on the following matters:

- A civil fraud claim brought by the Kuwaiti Public Institution for Social Security against its former director general, for damages alleged to be in excess of US\$850 million.
- The first appellate consideration of sanctions designations made under the Russia (Sanctions) (EU Exit) Regulations 2019.
- Disciplinary proceedings brought by the Premier League against Everton FC for breaches of the Profitability and Sustainability Rules.
- A competition claim brought by holders of the BSV coin against Binance and other major cryptocurrency exchanges, claiming losses of up to £9.9 billion.
- An appeal brought against the Information Commissioner and the BBC in respect of information held about the 1995 Panorama interview with the late Diana, Princess of Wales.

Grant studied Law at the University of Sydney, placing second overall in the graduating cohort and receiving his degree with First Class Honours. He also undertook a Masters in Islamic Studies at Charles Sturt University, specialising in Islamic jurisprudence, and received the university-wide Charles Sturt Medal.

Grant's prior legal work includes experience at DLA Piper Middle East in Dubai and Clifford Chance in Sydney, and as a researcher in public international and comparative law at the University of Sydney. He also served a term as a Student Director of the International Law Students Association, working with law students and universities in Ukraine and Palestine.

Beyond the law, Grant has undertaken graduate research in Classics at the University of Cambridge as a Gates Cambridge Scholar, and as a guest researcher at Heidelberg University, focusing on Greek and Semitic linguistics. He has taught undergraduate and graduate classes in Latin and Classical Greek at the Cambridge Faculty of Classics, as well as college supervisions on historical linguistics.

EXPERIENCE

Commercial

Grant accepts instructions in all areas of commercial law. He has assisted in a range of high-value and complex commercial disputes in the County Court, High Court, and Court of Appeal, as well as in arbitral proceedings.

Grant has particular experience working on cross-border disputes with a foreign law element. Before coming to the Bar, Grant developed an expertise in comparative and foreign law, with a specialisation in Middle Eastern legal systems (including those of Saudi Arabia and the UAE).

Cases

T v E

Acting for a foreign company served with claims alleging copyright and trade mark infringement in respect of its proprietary trading platform (with Tom Mountford).

T Ltd v X & Others

Advising an investment bank on a claim for breach of contract arising from an agreement to acquire shares in a debtor company (with Fraser Campbell).

Al-Aggad v Al-Aggad & Others

A claim for breach of contract and unlawful means conspiracy in relation to inherited shares in a Saudi company, raising complex issues of Saudi company law (assisting Shane Sibbel for the Claimant).

AXA France IARD SA v Santander Cards UK Ltd

A claim seeking over £600 million in respect of historic misselling liabilities (assisting Fraser Campbell for the Claimant).

A Ltd v B

A claim brought by an aerospace company against its former director for breach of contractual and director's duties in respect of a call-in notice under the National Security and Investment Act 2021 (assisting Fraser Campbell for the Claimant).

LCIA arbitration

An LCIA arbitration relating to claims in debt and breach of contractual security obligations (assisting Andreas Gledhill KC and Shane Sibbel for the Claimant).

Bounce Back Loan Scheme advice

Advice on the terms and operation of Guarantee Agreements made between lenders and the Secretary of State for Business, Energy and Industrial Strategy under the COVID-19 Bounce Back Loan Scheme (assisting Fraser Campbell).

C Ltd v L Ltd & Others

A claim against insurers under the terms of a Warranty and Indemnity Liability Insurance Policy, for insured losses of over US\$22 million caused by breaches of warranties under an SPA (assisting Fraser Campbell for the Claimant).

Jones v Mallett

[2024] EWHC 2035 (Ch)

A claim relating to the Defendants' wrongful retention and dissemination of confidential information, in breach of a settlement agreement between the parties (assisting Fraser Campbell for the Claimants).

Delancey Real Estate and Asset Management v HMRC

A high-value contractual dispute with HMRC relating to an Employee Benefit Trust Settlement Agreement, involving complex issues of tax law, trusts, and rescission (assisting Leona Powell for the Claimants).

Public Institution for Social Security v Al Rajaa & Others

A civil fraud claim, alleged to be worth in excess of US\$850 million, brought by the Kuwaiti Public Institution for Social Security against its former director general, involving questions of Kuwaiti and Swiss law (assisting Harry Adamson for the First and Second Defendants).

Griffiths v Griffiths

Unfair prejudice petitions relating to two companies within a family business, complaining of the diversion of profits and assets, exclusion from management and failure to pay reasonable dividends, all in breach of a common understanding (assisting Fraser Campbell for the Petitioner).

Re Artemas Joseph Holdings Ltd

[2024] BCC 822 (ChD)

An unfair prejudice petition, complaining of an undervalue sale of the company's operating subsidiary by the majority to themselves (assisting Fraser Campbell for the successful Petitioner). The majority shareholder was ordered to buy out the petitioner's shares at value as assessed at time of sale (notwithstanding that the subsidiary had since entered administration), and a third party was found secondarily liable, having colluded in the scheme.

Surrey Searches Ltd v Northumbrian Water Ltd & Others

[2024] EWHC 1643 (Ch)

A claim in restitution relating to the provision by water and sewerage companies of water and drainage information to personal search companies, for a claimed quantum of over £150 million (assisting Monica Carss-Frisk KC and Jason Pobjoy for the Severn Trent Defendants). The Stage 1 decision was the first major High Court ruling on the scope and application of the Environmental Information Regulations 2004.

Dinwoodie v Fisher

An application for money judgment following the Claimant's successful claim for breach of joint venture fiduciary duties, arising from his wrongful exclusion from the joint venture companies and the transfer of their assets to entities controlled by the Defendant (assisting Shane Sibbel for the Claimant).

Re: a defined benefit pension scheme

Advice for the Principal Employer of a defined benefit pension scheme on the operation of return of surplus provisions and the parameters of rationality/good faith within which decisions should be made on discretionary increases to pensions in payment (assisting Fraser Campbell).

L Ltd v S

A claim seeking negative declaratory relief against the Claimant's former employee, an investment analyst claiming entitlement to a bonus alleged to be worth almost £8 million. (assisting Fraser Campbell for the Claimant).

Re: a company

Advice for the director of a property company on an unfair prejudice petition against his co-director, complaining of diverted opportunities, exclusion from management, and the exploitation of company resources (assisting Fraser Campbell).

Re: a family trust

Advice for a high-worth individual on issues of company law in relation to the corporate trustee of a family trust (assisting Fraser Campbell).

Interglobe Aircraft Management Services (UK) Private Ltd v Airborne Capital Ltd

A civil fraud claim brought against the Claimant company's former joint venture partner, relating to the sale of its share in an aviation leasing and consultancy business (assisting Harry Adamson for the Claimant).

Shield v Shield

Claims and counterclaims relating to the consequences of a company reorganisation in which the First Claimant was bought out of the family business (assisting Fraser Campbell for the Defendants).

Re: a telecoms company

Advice for a major telecommunications company on the enforcement of high-value arbitration proceedings in the UK (assisting Leona Powell).

S Ltd v K & Others

A claim against the Claimant's former employee and competitor companies, seeking relief for the wrongful dissemination of confidential information and the diversion of business opportunities (assisting Fraser Campbell for the Claimant).

S Ltd v S

A civil fraud claim relating to investments in a luxury resort in Thailand, raising questions of Thai law (assisting Shane Sibbel for the Defendants).

Sanderson & Others v MGN Ltd

An application to appeal on (inter alia) the test for when a claimant is constructively on notice of the need to investigate their claims for the purpose of assessing limitation periods (assisting Harry Adamson for MGN Ltd). This application formed part of the Mirror Newspapers hacking litigation.

SSD v P

Advice for the Secretary of State for Defence on a claim for damages for breach of contract against an external contractor (assisting Harry Adamson).

Public & Regulatory

Grant accepts instructions in all areas of public and regulatory law.

Grant has a particular expertise in migration and citizenship matters. Before coming to the Bar, he received the Playfair Prize in Migration Law at the University of Sydney, and provided research assistance to Professor Mary Crock in support of her academic work on immigration and refugee law.

Cases

R (IAB) v SSHD

[2024] 1 WLR 1916 (CA)

An appeal on whether a public authority under the duty of candour is entitled to redact the identities of junior civil servants from disclosed documents on the ground of relevance (assisting Sir James Eadie KC and Jason Pobjoy for the Home Secretary).

Dalston Projects Ltd v SST; Shvidler v SSFCDA

[2024] 1 WLR 3327 (CA)

The first appellate consideration of sanctions designations under the Russia (Sanctions) (EU Exit) Regulations 2019 (assisting Sir James Eadie KC and Jason Pobjoy for the Secretaries of State).

Surrey Searches Ltd v Northumbrian Water Ltd & Others

[2024] EWHC 1643 (Ch)

A claim in restitution relating to the provision by water and sewerage companies of water and drainage information to personal search companies, for a claimed quantum of over £150 million (assisting Monica Carss-Frisk KC and Jason Pobjoy for the Severn Trent Defendants). The Stage 1 decision was the first major High Court ruling on the scope and application of the Environmental Information Regulations 2004.

Advice on Crown status

Advising the legal entity responsible for managing the Royal Parks on its relationship with the Crown (with Iain Steele).

Carmi v AFSA

Case No. AIFC-C/CA/2024/033

Acting for the Astana Financial Services Authority, successfully resisting an application to appeal a judgment upholding its decision to reject an application to operate a cryptocurrency facility in the AIFC FinTech Lab on grounds of fitness and propriety (with Ben Jaffey KC).

Financial regulations advice

Advice for a financial regulator on managing potential third-party rights issues during an ongoing investigation (assisting Harry Adamson).

R (El-Ashkar) v SSHD

An application by the Home Secretary to withdraw undertakings provided to the Upper Tribunal following its serious errors in the handling of the Applicant's student visa application (assisting Jason Pobjoy and Rayan Fakhoury for the Applicant).

R (Duff) v SSJ

[2024] EWHC 917 (Admin)

A challenge to the Secretary of State for Justice's decision to accept a recommendation to terminate the Claimant's Board membership, following her grossly negligent decision to direct a prisoner's release (assisting Fraser Campbell for the Parole Board).

R (CWJ) v Director of Legal Aid Casework & The Lord Chancellor

A challenge to the Exceptional Case Funding Guidance concerning public funding for legal representation (assisting Shane Sibbel for the Lord Chancellor).

Webb v Information Commission & BBC

An appeal relating to a FOIA request for information held about the 1995 Panorama interview with the late Diana, Princess of Wales (assisting Jason Pobjoy and Will Bordell).

Personal Injury Discount Rate advice

Advice for the Lord Chancellor on matters relating to the review of the Personal Injury Discount Rate under the Civil Liability Act 2018 (assisting Shane Sibbel).

AGO v S

Advice for the Attorney General on the merits of potential contempt proceedings for breach of an order under penal notice (assisting Fraser Campbell).

H v SSJ

Advice for the Secretary of State for Justice on the disclosure of information about spent convictions (assisting Fraser Campbell).

Sports regulatory advice

Advice for a sports governing body on the intersection between national and European licensing and disciplinary jurisdictions (assisting Adam Lewis KC and Jason Pobjoy).

BBC advice

Advice for the BBC on the correct application of the Ofcom Broadcasting Code in respect of infringements of privacy by a programme maker (assisting Jason Pobjoy).

Sanctions advice for the FCDO

Advice for the Foreign, Commonwealth and Development Office on a challenge to the designation of an entity under the Belarus (Sanctions) (EU Exit) Regulations 2019 (assisting Jason Pobjoy).

Company

Grant accepts instructions in all areas of company law, including unfair prejudice petitions, shareholder disputes, alleged breaches of directors' duties, and director disqualification proceedings.

Cases

T Ltd v X & Others

Advising an investment bank on a claim for breach of contract arising from an agreement to acquire shares in a debtor company (with Fraser Campbell).

Re Artemas Joseph Holdings Ltd

[2024] BCC 822 (ChD)

An unfair prejudice petition, complaining of an undervalue sale of the company's operating subsidiary by the majority to themselves (assisting Fraser Campbell for the successful Petitioner). The majority shareholder was ordered to buy out the petitioner's shares at value as assessed at time of sale (notwithstanding that the subsidiary had since entered administration), and a third party was found secondarily liable, having colluded in the scheme.

A Ltd v B

A claim brought by an aerospace company against its former director for breach of contractual and director's duties in respect of a call-in notice under the National Security and Investment Act 2021 (assisting Fraser Campbell for the Claimant).

Dinwoodie v Fisher

An application for money judgment following the Claimant's successful claim for breach of joint venture fiduciary duties, arising from his wrongful exclusion from the joint venture companies and the transfer of their assets to entities controlled by the Defendant (assisting Shane Sibbel for the Claimant).

Griffiths v Griffiths

Unfair prejudice petitions relating to two companies within a family business, complaining of the diversion of profits and assets, exclusion from management and failure to pay reasonable dividends, all in breach of a common understanding (assisting Fraser Campbell for the Petitioner).

Re: a company

Advice for the director of a property company on an unfair prejudice petition against his co-director, complaining of diverted opportunities, exclusion from management, and the exploitation of company resources (assisting Fraser Campbell).

Re: a director

Significant director disqualification proceedings brought by the Secretary of State for Business (assisting Andreas Gledhill KC and Harry Adamson for the director).

Shield v Shield

Claims and counterclaims relating to the consequences of a company reorganisation in which the First Claimant was bought out of the family business (assisting Fraser Campbell for the Defendants).

S Ltd v K & Others

A claim against the Claimant's former employee and competitor companies, seeking relief for the wrongful dissemination of confidential information and the diversion of business opportunities (assisting Fraser Campbell for the Claimant).

Re: a family trust

Advice for a high-worth individual on issues of company law in relation to the corporate trustee of a family trust (assisting Fraser Campbell).

EU & Competition

Grant accepts instructions in all areas of EU and competition law. Recent highlights include assisting counsel on the proposed collective proceedings brought by BIRA against Amazon.com, Inc, and Binance's successful partial strike-out application of a loss of chance claim brought by BSV cryptocurrency investors.

Grant is a member of the Bar European Group.

Cases

FDIC-R v Barclays Bank Plc & Others

Acting for UBS AG in a claim brought by the receiver of 19 closed US banks alleging collusive suppression by Panel Banks of the USD LIBOR rate between 2007 and 2009 (with Brian Kennelly KC and Paul Luckhurst).

BSV Claims Ltd v Bittylicious Ltd & Others

[2024] CAT 48

A successful partial strike-out application within collective proceedings in the CAT relating to the delisting of the BSV coin by cryptocurrency exchanges, for a claimed quantum of up to £9.9 billion (assisting Brian Kennelly KC and Jason Pobjoy for Binance). The application concerned the assessment of damages and loss of chance analysis in the competition context.

BIRA Trading Ltd v Amazon.com, Inc

Proposed collective proceedings in the CAT relating to Amazon's use of proprietary seller data for its own product entry strategies, for a claimed quantum of up to £1.14 billion (assisting Jason Pobjoy for the Proposed Class Representative).

Merchant Interchange Fee Umbrella Proceedings

Multiple claims brought by retailers under Articles 101 and 102 TFEU, relating to the interchange fees applicable to payment card transactions (assisting Jason Pobjoy for Visa).

CMA v Volkswagen AG & BMW AG

[2024] BusLR 1108 (CA)

An appeal relating to the application of the presumption against extraterritoriality to the Competition and Markets Authority's enforcement powers (assisting Brian Kennelly KC and Jason Pobjoy for Volkswagen).

Financial Services & Banking

Grant accepts instructions in all areas of financial services and banking law.

Cases

FDIC-R v Barclays Bank Plc & Others

Acting for UBS AG in a claim brought by the receiver of 19 closed US banks alleging collusive suppression by Panel Banks of the USD LIBOR rate between 2007 and 2009 (with Brian Kennelly KC and Paul Luckhurst).

Carmi v AFSA

Case No. AIFC-C/CA/2024/033

Acting for the Astana Financial Services Authority, successfully resisting an application to appeal a judgment upholding its decision to reject an application to operate a cryptocurrency facility in the AIFC FinTech Lab on grounds of fitness and propriety (with Ben Jaffey KC).

Financial regulations advice

Advice for a financial regulator on managing potential third-party rights issues during an ongoing investigation (assisting Harry Adamson).

Civil Fraud, Asset Recovery & Injunctive Relief

Grant accepts instructions in all areas of civil fraud, including applications for interim injunctive relief.

Cases

Al-Aggad v Al-Aggad & Others

A claim for breach of contract and unlawful means conspiracy in relation to inherited shares in a Saudi company, raising complex issues of Saudi company law (assisting Shane Sibbel for the Claimant).

Public Institution for Social Security v Al Rajaan & Others

A civil fraud claim, alleged to be worth in excess of US\$850 million, brought by the Kuwaiti Public Institution for Social Security against its former director general, involving questions of Kuwaiti and Swiss law (assisting Harry Adamson for the First and Second Defendants).

Interglobe Aircraft Management Services (UK) Private Ltd v Airborne Capital Ltd

A civil fraud claim brought against the Claimant company's former joint venture partner, relating to the sale of its share in an aviation leasing and consultancy business (assisting Harry Adamson for the Claimant).

S Ltd v S

A civil fraud claim relating to investments in a luxury resort in Thailand, raising questions of Thai law (assisting Shane Sibbel for the Defendants).

Sanderson & Others v MGN Ltd

An application to appeal on (inter alia) the test for when a claimant is constructively on notice of the need to investigate their claims for the purpose of assessing limitation periods (assisting Harry Adamson for MGN Ltd). This application formed part of the Mirror Newspapers hacking litigation.

Norwich Pharmacal advice

Advice for a financial institution on a Norwich Pharmacal order application in respect of a potential claim for alleged misconduct related to shares in an Indonesian company (assisting Harry Adamson).

T Ltd v N

Advice for a potential claimant on the availability of interim injunctive relief against a former employee acting in breach of duties of confidence and restrictive covenants (assisting Harry Adamson).

G v K

A freezing application sought against his property in England in support of civil fraud proceedings in Delaware (assisting Harry Adamson for the Respondent).

M v S

Advice for a potential claimant on a claim relating to the misappropriation of valuable artwork located abroad (assisting Harry Adamson).

Sport

Grant accepts instructions in all areas of sports law.

Cases

Premier League v Everton FC

The appeal of a Premier League Commission decision to impose an immediate 10-point deduction for the Club's breach of the Profitability and Sustainability Rules (assisting Jason Pobjoy for the Premier League).

H v W

Advice for an agency contemplating a claim against a competitor for inducing breach of contract in relation to poaching a player under representation (assisting Shane Sibbel).

Sports regulatory advice

Advice for a sports governing body on the intersection between national and European licensing and disciplinary jurisdictions (assisting Adam Lewis KC and Jason Pobjoy).

Public International Law

Grant accepts instructions in all areas of public international law.

Before coming to the Bar, Grant was a researcher at the Sydney Centre of International Law, and served on the Conference Team for the Cambridge International Law Journal. He continues to publish and present papers on public international law topics, with a focus on doctrinal and critical approaches to the international legal system (see Publications below).

Grant also has extensive experience with the Jessup International Law Moot Court Competition, both as a competitor (as a member of the Australian National Champions team in 2018) and team advisor (including coaching the Cambridge team in 2022). He also served a term as a Student Director of the International Law Students Association, working with law students and universities in Ukraine and Palestine.

Sanctions

Grant accepts instructions in all areas of sanctions law.

Cases

Dalston Projects Ltd v SST; Shvidler v SSFCDA

[2024] 1 WLR 3327 (CA)

The first appellate consideration of sanctions designations under the Russia (Sanctions) (EU Exit) Regulations 2019 (assisting Sir James Eadie KC and Jason Pobjoy for the Secretaries of State).

Sanctions advice for the FCDO

Advice for the Foreign, Commonwealth and Development Office on a challenge to the designation of an entity under the Belarus (Sanctions) (EU Exit) Regulations 2019 (assisting Jason Pobjoy).

ACHIEVEMENTS

Education

- MPhil in Classics (Distinction) (Cantab)
- MIsStud in Islamic Law and Fiqh (Distinction, University Medal) (Charles Sturt)
- GradDip in Legal Practice (College of Law, Australia)
- LLB (Hons Class I) (Sydney)
- BA in Classics (Hons Class I, University Medal) (Sydney)
- DipLang in Polish Studies (Macquarie)
- DipLangStud in Arabic Language and Cultures (Sydney)

Selected Scholarships and Prizes

- Sir John and Lady Sophie Laws Scholarship, Bar European Group
- Riaz Hassan Prize for Best Honours Thesis, Australian Association of Islamic & Muslim Studies
- Gates Cambridge Scholarship (twice)
- Jeremie Septuagint Prize, University of Cambridge
- Members' Classical Essay Prize, University of Cambridge
- University of Sydney Scholar Chancellor's Award
- Sir Dudley Williams Prize (ranked second in the LLB cohort), University of Sydney
- Nancy Gordon Smith Prize for Honours at Graduation, University of Sydney
- Margaret Ethel Peden Prize in Real Property, University of Sydney
- Playfair Prize in Migration Law, University of Sydney
- Sybil Morrison Prize for Jurisprudence Part 2, University of Sydney
- Charles Sturt Medal (university-wide award for academic achievement and public service), Charles Sturt University
- Australian National Champions, 2018 Philip C. Jessup International Law Moot Court Competition
- University Medal in Classics (ranked first in the cohort), University of Sydney
- Backhouse Prize for Greek and Latin, University of Sydney
- Beauchamp Prize for Literature, University of Sydney
- Council of Christians and Jews Medal for Ancient Hebrew, Macquarie University
- Svetlana Borisovna Savina Memorial Prize for Russian Studies, Macquarie University
- Zygmunt Wszelaki Prize for Polish, Macquarie University

Memberships

- COMBAR
- Young Fraud Lawyers Association
- Bar European Group

Publications

Chapters in Edited Books

"Implementing the Law of the Sea: The Case of Russia in Arbitrations under UNCLOS" in Marta Chantal Ribeiro, Fernando Loureiro Bastos and Tore Henriksen (eds) *Global Challenges and the Law of the Sea* (Cham: Springer, 2020): 287-317 (with Rebecca Brown)

Conference Papers

"Conceptions of Islamic Law in the Colonial Court Practice of the Netherlands-Indies, 1848-1867" (Paper presented at the 2022 Annual Conference of the British Association for Islamic Studies, University of Edinburgh, 7 June 2022)

"Instrumentalising Agreement: Russia's 'Treaties' with the Donetsk and Luhansk's Republics" (Paper presented at the Gates Day of Research, University of Cambridge, 7 May 2022)

"The Law of the Sea and Islam: A Comparative Approach to Legal Traditions of Mare Liberum" (Paper presented at the 27th Australian and New Zealand Society of International Law Annual Conference, Australian National University, 5 July 2019)

"Universalising International Law through Language: The Use of Arabic in United Nations Conventions" (Paper presented at the Three Languages - Three Cultures: Narratives from the Middle East Conference, Australian National University, 23 November 2018)

"Islamic International Law and General Principles under Article 38(1)(c) of the Statute of the International Court of Justice" (Paper presented at International Law Weekend, Fordham University School of Law, New York City, 20 October 2018)

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