



Maurice Holmes



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Maurice has a broad practice encompassing the majority of Chambers' core specialisms, principally with a commercial focus. He has substantial advocacy experience as sole counsel before a variety of courts, arbitral tribunals and sports disciplinary panels whether at interlocutory, trial or appellate level. He is equally comfortable acting as junior to leading counsel.

Current or recent instructions include: a multi-million pound Commercial Court case involving a claim for indemnity under a policy of commercial combined insurance with a concurrent claim against the broker (listed for a 12-day trial in 2021); advising insurers and brokers on coverage issues arising from the FCA test case concerning COVID-19 business interruption claims; acting for the Professional Tennis Integrity Officers in disciplinary proceedings following corruption offences by various tennis players.

Maurice has acted and advised in a wide range of professional negligence claims, including numerous claims relating to alleged failures in the implementation of effective tax and/or inheritance arrangements.

Maurice has appeared in remote hearings using all of the common platforms such as Skype for Business, Zoom and Microsoft Teams.

Maurice is a co-author of the chapter on Awards in *The Guide to Construction Arbitration*, published by Global Arbitration Review (accessible [here](#)).

Maurice obtained a first-class degree in Law and was an inaugural winner of *The Times 2TG Moot* competition, the final of which was judged by Lord Clarke, Christopher Clarke LJ and Sir Richard Aikens.

Commercial

Maurice has a practice spanning the full breadth of Chambers' commercial work. His experience includes matters involving general breaches of contract, the sale and supply of goods and services, bailment, agency disputes, commercial fraud and financial services.

Maurice has previously spent time working for a firm specialising in commercial litigation and international arbitration. He has a keen understanding of the practical demands faced by commercial litigators.

Selected Cases

Maurice's recent instructions as sole counsel include the following:

- An ICC arbitration concerning debts allegedly owed under a \$3.2 billion multi-party project to expand the Panama Canal. This involved a procedural objection to the scope of the arbitral tribunal's jurisdiction, concerning the (non-)application of the Fiona Trust Maurice was instructed by Italian solicitors in connection with relevant aspects of the dispute under English law.
- A Commercial Court claim for approximately £1.2m, concerning the enforcement of a foreign judgment (obtained in the US) at common law. The claim also involved an application for a notification injunction, requiring notice in the event of attempted dissipation of assets within the jurisdiction.
- A High Court claim concerning an agreement for the sale of goods in Sweden and their transportation to the UK, whereupon they were rejected – allegedly without due justification. This involved an application before Master Yoxall, against leading counsel, to determine the appropriate jurisdiction for the dispute.
- A High Court claim against multiple foreign companies, incorporated in Turkey, for the recovery of unpaid solicitors' fees. This included preparation of an application for permission to serve out of the jurisdiction.
- An LCIA arbitration concerning a multi-million euro claim for monies due pursuant to (and a counterclaim pursuing alleged repudiatory breaches of) a sponsorship agreement.
- A claim against a pawnbroker over the alleged conversion of Rolex watches, where the claimant alleged that the watches had been stolen prior to their purchase by the pawnbroker. This involved a related appeal concerning the circumstances in which the court will (not) allow an appeal against issues of fact.
- Gujra v Roath & Anor [2018] EWHC 854 (QB), an appeal concerning the application of the *ex turpi causa* (illegality) defence after Patel v Mirza [2016] UKSC 42, in the context of alleged conspiracy to defraud insurers.

Maurice has also acted as junior counsel in connection with:

- Brogden & Anor v Investec Bank Plc [2016] EWCA Civ 1031, an appeal concerning the exercise of contractual discretion over claims by investment bankers for monies due under a bonus clause in their employment contracts. (Led by Raymond Cox QC and Daniel Shapiro.)
- Schluep v Coöperatieve Centrale Raiffeisen-Boerenleenbank B.A. t/a Rabobank International, London Branch [2016] EWHC 1175 (QB), a claim by a former trader for breach of the implied term of mutual trust and confidence following his former bank's involvement with the LIBOR scandal, which led to his dismissal from a subsequent bank. (Led by Nicholas Randall QC and Andrew Smith.)

Insurance & Reinsurance

Maurice has a particular interest in all forms of disputes relating to insurance and reinsurance. He regularly represents insurers facing commercial indemnity issues when presented with claims under classes of risk such as: general commercial liability (EL/PL/products); business interruption and economic



loss claims; professional indemnity; financial risk.

Maurice's experience includes matters concerning issues of non-disclosure, misrepresentation, fraud, breaches of warranty, conditions precedent, notification clauses, proximate cause, aggregation, subrogation and the Third Parties (Rights Against Insurers) Acts. He has also acted in a number of cases involving broking issues.

Maurice also has specific experience of the insurance issues arising from Covid-19, having advised both insurers and brokers on related coverage issues in light of the FCA test case and the form of notifications to affected policyholders.

Selected Cases

Maurice's recent instructions as sole counsel include the following:

- Advice as to the scope of cover under various types of policies for business interruption losses and the applicability of damage and non-damage extensions and trends clauses arising out of the Covid-19 pandemic.
- A marine cargo claim following the theft of equipment in a foreign jurisdiction, giving rise to issues including the operation of Cl. 16 under the Institute Cargo Clauses (A) and the materiality of non-disclosures.
- A claim by a major insurer against a third party arising from its failure to adhere to a term requiring the arrangement of insurance cover with an alternative provider in respect of specified events.
- A claim following the repudiation of a Home Insurance policy on the basis of a fraudulently made claim for flood damage.
- Advice as to the scope of coverage under a policy of facultative reinsurance, including the likely operation of a deductible clause in the underlying policy.
- Advice as to the doctrine of proximate cause under English law, in connection with an international arbitration in a foreign jurisdiction.

Maurice is currently instructed as junior counsel in NGS Salt Supplies Limited v (1) Covea Insurance Plc; (2) Riverdale Business Solutions Limited, a Commercial Court claim concerning a claim for indemnity following a fire at a salt manufacture and processing plant, alternatively a claim against the insured's broker for breach of professional duties. This is listed for a 12-day trial in 2021. (Led by Ben Quiney QC.)

Sports Law

Maurice has become highly in demand as a junior in sports law. He is regularly instructed on behalf of sports governing bodies, players/athletes, clubs, coaches and agents. He acts and advises in connection with corruption offences, anti-doping violations, general disciplinary matters, governance issues and all forms of commercial disputes arising within the context of sport and Esports.

Maurice has acted in connection with proceedings before a variety of sports related courts and tribunals, including the Court of Arbitration for Sport, Sports Resolutions, and first instance tribunals in sports such as: tennis, football, cricket, rugby, athletics, golf and squash. He has experience of the major international arbitral institutions (such as ICC and LCIA) both within and outside the background of sports disputes.

Maurice has experience of equine law, where he has appeared against leading counsel. He is also regularly instructed in yacht related disputes, for example involving allegations over defects and/or surveyor's negligence. He also has experience of legal disputes concerning shooting and shooting rights.

Alongside sports law, Maurice has also acted in matters relating to media and entertainment, including acting for modelling agencies in disputes concerning unlawful conduct by former employees and the protection of IP / confidential information.

Maurice has advised in relation to non-performance or postponement issues arising from Covid-19, with a focus on contractual and/or insurance ramifications.

Maurice has undertaken a secondment with a law firm ranked by the directories as one of the leading sports firms in the UK.

Maurice was previously himself a professional sportsman (playing cricket for Warwickshire), and has a close understanding of commercial practicalities faced by different sectors within the industry.

Selected Cases

A selection of Maurice's previous instructions is as follows:

- *(1) Aljaz Bedene and (2) The Lawn Tennis Association v The International Tennis Federation*, in which arbitrator Charles Hollander QC was appointed to determine the lawfulness of the ITF's recently introduced eligibility rules for Davis Cup tennis (led by Thomas de la Mare QC).
- *X v Y*, a multi-million euro LCIA arbitration to determine a claim and counterclaim arising from the title sponsorship of a European Tour event. Amongst those giving evidence at the final hearing was a former major winner. (Led by Nick De Marco QC.)
- *The FA v X*, assisting in an appeal against the FA Regulatory Commission's finding that disciplinary charges were established against the chairman of one of the UK's leading sports management companies. Lord Dyson sat as the Chairman of the Appeal Board. (Led by Rupert Bowers QC.)
- *Tennis Integrity Unit v Kilani*, disciplinary proceedings resulting in a 7-year ban and a \$7,000 fine after Mr Kilani was found guilty of match-fixing offences.
- *Tennis Integrity Unit v Taweel*, disciplinary proceedings resulting in a 5-year ban and a \$15,000 fine after Mr Taweel was found guilty of match-fixing and other associated corruption offences.
- *Tennis Integrity Unit v Gaviria*, disciplinary proceedings resulting in a 3-year ban and a \$5,000 fine after Mr Gaviria was found guilty of failing to cooperate with a TIU investigation. Maurice wrote an article ([here](#)) outlining some important features of the decision.
- *Tennis Integrity Unit v Safwat*, disciplinary proceedings resulting in a suspended sentence and a fine after Mr Safwat was found guilty of failing to report corrupt approaches to the TIU.
- *Tressler-Miller v Wentworth Club Limited*, acting for the Wentworth Club in a claim for damages brought by a former member.
- *Mark Lilley v Royne Zetterman AB*, a claim by the purchaser of a high value showjumping horse, which was alleged not to conform with representations made by the seller and which subsequently developed a serious illness.
- *Durham Cricket CIC v Arena Event Services*, acting for Durham Cricket in relation to the supply of tiered seating which partially collapsed during an international T20.
- *Sir Charles Nicholas Gervase Blois v Julian Warren*, a claim for damages and injunctive relief against the lessee under a shooting rights agreement, following excessive release of pheasants and

- partridge causing crop damage. The estate in question included a Site of Special Scientific Interest such that the Defendant's actions were also subject to a Stop Notice imposed by Natural England.
- NADO Italia v Alex Hodgetts, acting in connection with a disciplinary decision of the Italian National Anti-Doping Organisation against a squash player, concerning issues of jurisdiction and procedural unfairness.
 - Mr X & Anor v Y, assisting in a claim against a sports management company concerning alleged failures in arranging for the receipt of remuneration deriving from the image rights of a high profile Test cricketer. (Led by Daniel Shapiro QC.)
 - Yorkshire RFU v X, representing a rugby player in a disciplinary hearing following charges brought for conduct allegedly prejudicial to the interests of the game.
 - BMA Models v Base Models, a claim in the IPEC concerning the infringement of copyright in photographs which had been subject to an exclusive licence agreement for a limited period. The resulting judgment included an additional award for exemplary damages owing to the flagrancy of the breach.
 - BMA Models v (1) Costello; (2) Supa Model Management, a claim in the IPEC relating to the alleged misuse of confidential information by the former employee of a modelling agency, and attempts by her to solicit former clients in breach of post termination restrictive covenants. The claim also proceeded against the individual's subsequent employer for procuring her breaches of contract.

Professional Liability

Maurice has extensive experience of professional negligence claims. Although his practice in this area spans the entire range of professions, Maurice has particular expertise in claims against insurance brokers, financial services professionals, surveyors (marine and non-marine) and lawyers.

Maurice's work in the context of brokers is complemented by his insurance practice, with frequent experience of claims against both insurer and broker.

Maurice has specific experience in relation to disputes arising from alleged failures in the implementation of effective tax and/or inheritance arrangements.

Selected Cases

Maurice's recent instructions as sole counsel include the following:

- A claim against a leading accountancy firm relating to alleged failures in the implementation of a corporate structure to maximise EIS relief over a shareholding. (Led by Daniel Shapiro QC.)
- A claim against solicitors concerning the alleged failure to implement an effective Deed of Variation within the required time, resulting in the loss of a transferable nil rate band and further related losses.
- Numerous claims against marine surveyors concerning alleged failure to identify accurately the condition of yachts for the purposes of pre-purchase valuations.
- A claim against solicitors following the alleged failure to implement effective and complete security against sums loaned under a borrower agreement.



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- A claim against an insurance broker concerning alleged failure in the placement of appropriate professional indemnity insurance.
 - A claim against a firm of solicitors following the provision of negligent advice upon the settlement of proceedings.

International Arbitration

Maurice has experience of proceedings under many of the major international institutional rules, including ICC, LCIA and UNCITRAL.

Recent work includes acting as junior counsel for employers in a dispute arising out of an onshore contract in Kuwait worth approximately £125m.

Maurice (along with Roger ter Haar QC and Crispin Winser) was a contributing author of the chapter on Awards in *The Guide to Construction Arbitration*, published by Global Arbitration Review (accessible [here](#)).

Construction & Engineering

Maurice has acted in a range of disputes involving construction or utilities projects, often concerning issues such as design claims, interim payment claims, EOTs delay and disruption, LADs and contractual interpretation.

Selected Cases

Maurice has assisted in matters including the following:

- A claim for negligent and/or inadequate construction works (and a counterclaim for unpaid fees).
- A claim for overcharging and delay in completion of a construction and energy project.
- A claim concerning the Party Wall etc. Act 1996.
- Advising as to the viability of resisting adjudication enforcement proceedings on the basis of set-off.

Maurice (along with Roger ter Haar QC and Crispin Winser) was a contributing author of the chapter on Awards in *The Guide to Construction Arbitration*, published by Global Arbitration Review (accessible [here](#)).

Property Damage

Maurice has various experience of property damage claims, most notably relating to fire, flooding and subsidence.



Selected Cases

Recent instructions as sole counsel include claims arising from the following matters:

- A fire in a restaurant resulting from allegedly defective ventilation systems.
- A fire originating at an electrical installation within a residential home.
- A flood following the allegedly defective installation of new water supply pipework.
- Subsidence allegedly caused by tree roots. The relief sought included a mandatory injunction in addition to damages.
- A fire caused by the allegedly negligent supply of maintenance services.

Product Liability

Maurice has experience of product liability disputes including those relating to both industrial and consumer products, and in contexts ranging from design, to manufacture and engineering issues.

Selected Cases

Recent instructions as sole counsel include the following:

- A fire in a restaurant resulting from allegedly defective ventilation systems.
- A claim involving a washer in tap, the eventual cause of flooding, which was either defectively manufactured or fraudulently manipulated.
- A fire originating at an electrical installation within a residential home, raising questions as to the manufacturing of an RCD.

Personal Injury

Maurice has had acted in an extensive range of personal injury disputes in his early years of tenancy. This has served to bolster his substantial and varied advocacy experience (and in particular handling witnesses).

Selected Cases

Maurice's instructions as sole counsel include the following:

- An occupiers' liability claim in respect of injuries caused by the allegedly inadequate design of a raised patio area.
 - A trial resulting in findings that the Claimant had fraudulently exaggerated her claim arising from a
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genuine accident at a public venue.

- A claim against a major shopping retailer after an accident that, it was found, could not reasonably have been prevented.
- A claim arising from an accident at a darkened aquarium where there was a balance to strike between the safety of visitors and the quality of the immersive experience.

Qualifications

- Levitt Scholarship
- Hardwicke Scholarship
- Droop Scholarship
- BPTC
- LLB (Hons), First-Class

Memberships

- COMBAR
- British Association for Sport and Law
- LawInSport