



# Joshua Hitchens

**Year of Call:** 2018

**Direct Access:** Yes

	joshua.hitchens@outertemple.com
	+44 (0)20 7353 6381



Josh practices primarily in the crossover between Commercial and Public Law. He has advised the Bank of England, the Government of Jersey and financial institutions on high profile and high value sanctions matters. He also has experience of advising on Banking Resolution and Regulatory matters.

He also has particular expertise in Human Rights Law and is a member of the Equality and Human Rights Commission Panel of Counsel. He regularly appears in the High Court, Court of Appeal and Privy Council, both on his own and led by King's Counsel in public law cases. His reported cases are listed below.

Josh has been instructed in the High Court, Court of Appeal and Privy Council in insolvency, regulatory, contractual, Chancery and commercial property matters. Before coming to the Bar, Josh worked in private equity and as such, has strong commercial awareness and an understanding of the needs of corporate and commercial clients.

Alongside public law matters relating to financial services and regulation, Josh regularly appears in the High Court in judicial reviews relating to homelessness, social care and the use of police powers. He also accepts instructions in respect of professional regulatory matters having successfully represented an accountant who had been struck off in both the High Court and the Court of Appeal.

Josh's practice also incorporates the law of mental incapacity. He regularly appears in the Court of Protection in both **Personal Welfare** and **Property and Financial Affairs** disputes. He has a particular interest in cases involving abuse of incapacious adults and is the co-author of **Forced Marriage Law and Practice**.

## Areas of Expertise

### Commercial Litigation

Josh is currently instructed as sole counsel in the High Court in a £3m commercial civil fraud case involving a Canadian company's dispute with its UK sales and distribution agent. He has acted in High Court restraint of trade cases, tech disputes between cloud services providers and commercial clients and in telecoms disputes. He also has expertise in commercial property disputes having represented commercial landlords in very high value disputes.

#### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

#### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

#### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

Josh was part of the 2019 Rail Franchising litigation counsel team for the Department of Transport, one of the top 20 cases for 2020.

He worked in private equity before coming to the Bar and as such, Josh has an excellent commercial awareness.

### **Notable Commercial Litigation cases**

---

[Maloo et al v Somar \[2019\] UKPC 2016/0071](#)

---

Appeared as led junior counsel in a contract case before the Judicial Committee of the Privy Council

---

[De Zwarte Band v Kanhai \[2019\] UKPC 48](#)

---

### **Public Law**

Josh is ranked in both Legal 500 and Chambers and Partners for his public and administrative law work. He is a member of the Equality and Human Rights Commission panel of counsel and has acted in the High Court, Court of Appeal and Privy Council in important and high profile matters. He acts in the full range of public law cases. He is currently instructed in a major judicial review of the Secretary of State for Justice's ongoing refusal to hold a public inquiry into the Medomsley abuse scandal, a Tax Tribunal case concerning the applicability of Article 6 ECHR in tax disputes and a High Court matter concerning the applicability of the Charter of Fundamental Rights of the EU to people living in the UK with pre-settled status. He has appeared successfully in the Court of Appeal unled and has appeared several times in the Privy Council led by King's Counsel.

His previous reported cases are listed below, they encompass homelessness, free speech, social care, the use of police powers, constitutional law and protest law.

### **Notable Public Law cases**

---

[R \(ZLL\) v Secretary of State for Housing, Communities and Local Government \[2022\] EWHC 85 \(Admin\)](#)

---

[R \(OAO S\) v Kent County Council JR/986/2021](#)

---

[R\(OAO Tiemo\) v Lambeth London Borough Council \[2020\] EWHC 1193](#)

---

[R \(OAO Awodola\) v Association of Chartered Certified Accountants \[2020\] EWHC 3059 \(Admin\)](#)

---

[R \(Ncube\) v Brighton and Hove City Council \[201\] A.C.D 57](#)

---

[Betaudier v Attorney General of Trinidad and Tobago \[2021\] UKPC 7](#)

---

[R \(OAO R\) v Secretary of State for the Home Department \[2021\] WLKUK 362](#)

---

[R \(Robinson\) v Buckinghamshire County Council and anor \[2021\] EWHC 2014 \(Admin\)](#)

---

#### **London (Main Office)**

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

#### **Abu Dhabi**

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

#### **Dubai**

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

---

Duncan and another v Attorney General of Trinidad and Tobago [2021] UKPC 17

---

R (Maxey) v High Speed 2 Ltd [2021] EWHC 246 (Admin)

---

ACCA v Awodola [2021] EWCA Civ 1635

---

## International Administrative Law

Josh regularly practises in International Administrative law and is currently instructed in proceedings before the United Nations Appeal Tribunal and the Islamic Development Bank Administrative Tribunal.

## Sanctions, Business Crime and Regulatory

Josh has extensive experience in advising on matters arising out of sanctions and export control measures. He was the sole counsel advising the Government of Jersey on the sale of Chelsea Football Club from a sanctions perspective. He also worked intensively on the effect of financial sanctions on UK banking regulation and transactions whilst at the Bank of England. He now regularly advises private clients, law firms, Governments and corporates on sanctions issues. He has experience of working with the UK, EU and US sanctions regimes as much of his work is multi-jurisdictional. In consequence of his work in Jersey, Josh has a particular knowledge and expertise in the use of off-shore trusts for sanctions evasion.

He also regularly appears in disciplinary tribunals and has experience of representing doctors, accountants and dentists in professional disciplinary proceedings. In ACCA v Awodola [2021] EWCA Civ 1635, Josh successfully represented an accountant who had been struck off before the Court of Appeal having previously successfully represented him in the High Court in judicial review proceedings.

Finally, Josh has considerable experience in criminal and quasi criminal proceedings relating to his other areas of practice. He has acted in Maritime Law prosecutions, prosecutions under the Town and Country Planning Act 1990 and has appeared in many contempt of court proceedings, most recently the important case of QRT v JBE where Josh obtained summary dismissal of contempt proceedings faced by his clients in a reported judgment by Nicklin J.

## Notable Sanctions, Business Crime and Regulatory cases

---

QRT v JBE [2022] EWHC 2902 (KB)

---

Awodola v ACCA [2020] EWHC 3059 (Admin)

---

ACCA v Awodola [2021] EWCA Civ 1635

---

## Financial Services

Whilst on secondment at the Bank of England, Josh worked extensively on the Financial Services and Markets Bill 2022 and, in particular on the proposed regulation of stablecoins. He also gained extensive experience of the regulation of banks,

### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

CCPs and other regulated firms. Having been working at the Bank on the day Russia invaded Ukraine, Josh has particular knowledge and experience of managing the UK's regulatory response to sanctions. Josh has also been instructed extensively by the Government of another jurisdiction to advise on the legality of banking transactions spanning several countries. He also has particular expertise and understanding of the Resolution regime under the Banking Act 2008.

## Publications

- Forced Marriage Law and Practice, 2021, Bloomsbury Professional Press

## Awards

- Fellow of the Royal Society of Arts;
- The Honourable Society of Lincoln's Inn, Walter Wigglesworth pupillage scholarship;
- The Honourable Society of Lincoln's Inn, Sir Louis Gluckstein Advocacy Prize for best advocate in the Inn;
- Lord Denning Scholarship, Hardwicke Award and Accommodation Award;
- The Honourable Society of Lincoln's Inn, Lord Haldane Scholarship

## Recommendations

### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)



## Outer Temple Chambers



### London (Main Office)

The Outer Temple, 222 Strand  
London WC2R 1BA

T: +44 (0)20 7353 6381  
F: +44 (0)20 7583 1786  
E: [clarks@outertemple.com](mailto:clarks@outertemple.com)  
DX: LDE 351 (Chancery Lane)

### Abu Dhabi

24th Floor, Al Sila Tower  
Abu Dhabi Global Market Square  
Al Maryah Island  
Abu Dhabi, UAE

T: +971 2694 8596  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)

### Dubai

Level 15, The Gate Building  
Dubai International Financial Centre  
Dubai, UAE

T: +971 4401 9584  
F: +971 4401 9578  
E: [OTC-UAE@outertemple.com](mailto:OTC-UAE@outertemple.com)