



## Robert Bright QC

Silk: 2006 | Call: 1987

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"One of the best minds I have ever come across."

- Legal 500

## Practice Profile

Robert Bright practises primarily as an advocate and arbitration specialist with experience in a broad range of commercial litigation. He is generally regarded as one of the Bar's leading Silks in Shipping and Commodities and has a top-tier ranking in both fields (Chambers & Partners, Legal 500). In 2021 Robert was nominated for Insurance Silk of the Year at the Chambers Bar Awards. In 2016 he was nominated and in 2017 was named Shipping Silk of the Year at the Chambers Bar Awards. In 2018 and 2017, Robert was nominated for Shipping Silk of the Year at The Legal 500 Awards.

Recent cases of note include successfully defending claims by ship owners in the Supreme Court in *PST Energy 7 Shipping LLC v OW Bunker Malta* [2016] AC 1034, (sale of goods) described by Lloyds list as "the most spectacular shipping legal imbroglio so far this century"; *The Alkyon* [2018] EWCA Civ 2760 (shipping), a landmark decision on maritime arrests; *Stolt Kestrel v Niyazi S* [2016] 1 Lloyd's Rep. 125 (shipping), now the leading case on Admiralty actions in rem; *Great Elephant v Trafigura* [2014] 1 Lloyd's Rep. 1 (international trade/energy), a leading case on force majeure; *Septo Trading v Tintrade* [2021] EWCA Civ 718; [2021] Lloyd's Rep. Plus 95 CA decision on principles of contractual construction where two conflicting terms are incorporated; *Begum v Maran (UK)* [2021] EWCA Civ 326; [2021] Lloyd's Rep. Plus 97 duty of care in tort, timebar.

## International Arbitration and Mediation

Much of Robert Bright's work in recent years has been in international arbitrations and mediations, including many LMAA, LCIA and ICC arbitrations as well as several overseas, predominantly in Asia. He is a Member of the LCIA, a Supporting Member of the LMAA, on the panel of approved arbitrators of the SCMA, AIAC and CMA and a panel mediator for ARIAS. His most recent hearing as arbitrator was a trade credit insurance case under the auspices of the HKIAC, involving a Singapore commodities trader and a Hong Kong insurer. No further details can be given, owing to the confidentiality of arbitration.

## Commodities

Robert Bright was the lead advocate for ING in the OW Bunker litigation. This highly complex and multi-forum dispute includes the decision of the Supreme Court where he successfully defended claims by ship owners in *PST Energy 7 Shipping v OW Bunker Malta* – probably the most important Sale of Goods Act case in recent years, with great significance for the use of ROT clauses and for invoice receivables and trade finance deals. Robert has very great experience in the area, having been involved in numerous cases concerning commodities/the sale of goods. Cases are often multi-jurisdictional and frequently in

international or trade arbitrations (which are confidential). Recent cases/appointments have concerned disputes in relation to fuel oil, iron ore, steel, agriproducts and coal.

## Selected cases:

- *PST Energy 7 Shipping LLC v OW Bunker Malta* [2016] UKSC 23: Supply of bunkers; effect of ROT clause, whether the Sale of Goods Act applied, whether Owners had to pay the invoice of the insolvent bunker supplier
- *Neon Shipping v Foreign Economic Co-Operation Co.* [2016] 2 Lloyd's Rep 158: Sale of Goods Act implied terms
- *Glencore Energy UK Ltd v Cirrus Oil Services Ltd* [2014] 1 AllER Comm 513; [2014] 2 Lloyd's Rep. 1: Oil and gas, sale of goods
- *Great Elephant Corporation v Trafigura Beheer BV (The "Crudesky")* [2014] 1 Lloyd's Rep. 1 (Court of Appeal): FOB sale on NNPC Conditions
- *Dolphin Maritime & Aviation Services Ltd v Sveriges Angfartygs Assurans Forening* [2009] 2 Lloyd's Rep. 123: Jurisdiction
- *ERG Raffinerie Mediterranee Spa v Chevron USA Inc (The "Luxmar")* [2007] 2 Lloyd's Rep. 542: Sale of goods (FOB)
- *Australia And New Zealand Banking Group Ltd v Compagnie Noga D'Importation Et D'Exportation SA* [2007] 1 Lloyd's Rep. 487: Fraudulent trading, settlement agreement
- *South Caribbean Trading Ltd v Trafigura Beheer BV* [2005] 1 Lloyd's Rep. 128: Oil-trade contracts

## Insurance & Reinsurance

Robert Bright has been instructed in numerous insurance and reinsurance arbitrations. A particular speciality in recent years has been P&I Club cover disputes. The Standard Club, Shipowners' Mutual Club, Steamship Mutual Club, Skuld, North of England Club and the London Club are all regular clients. His most recent cases involve marine insurance (acting for the Lloyd's market in relation to vessels seized by the state of Venezuela) and trade credit (acting for a Swiss commodities trader against a Russian insurer). A small selection of other recent reported court hearings is given below.

## Selected cases:

- *The Atlantik Confidence* [2016] 2 Lloyd's Rep 525: Act for the Club (Second Claimant) in resolving the fall-out from this judgment
- *Sealion Shipping Ltd v Valiant Insurance Company (The "Toisa Pisces")* [2012] 1 Lloyd's Rep. 252; [2012] Lloyd's Rep. IR 141: Marine insurance claim under loss of hire policy
- *Dolphin Maritime & Aviation Services Ltd v. Sveriges Angfartygs Assurans Forening* [2009] 2 Lloyd's Rep. 123: Rights of recovery agent against insurer
- *Micoperi Srl v The Shipowners' Mutual Protection & Indemnity Association (Luxembourg)* Lloyd's Law Reporter [2011]: Specialist operations excluded from cover, estoppel
- *Fareco Shipping Co Ltd v Daebo Shipping Co Ltd (The "Bremen Max")* Lloyd's Law Reports, [2009] 1 Lloyd's Rep. 81: Effect of standard P&I Club Letter Of Indemnity
- *Steamship Mutual Underwriting Association (Bermuda) Ltd v Sulpicio Lines Inc* [2008] 2 Lloyd's Rep. 269: Jurisdiction, enforceability of arbitration clause, antisuit injunction
- *Standard Steamship Owners' Protection And Indemnity Association (Bermuda) Ltd v Gie Vision Bail* [2005] Lloyd's Rep IR 407: P&I cover, jurisdiction
- *Dolphin Maritime & Aviation Services Ltd v Sveriges Angfartygs Assurans Forening* [2009] 2 Lloyd's Rep. 123: Jurisdiction

## Shipping & Transport

Robert Bright has advised and acted in a very large number of matters and court hearings concerning shipping, including carriage of goods by sea, shipbuilding and shipsale disputes. In 2016 Robert represented ING in the OW Bunker litigation in the Supreme Court successfully defending claims by ship owners – described by Lloyd's List as "*the most spectacular shipping legal imbroglio so far this century*". Cases are often multi-jurisdictional and frequently in arbitration. A small selection of the more recent reported court hearings is given below.

## Selected cases:

- *The Alkyon* [2018] EWCA Civ 2760 (landmark decision on maritime arrests)
- *The Cape Bonny* [2018] 1 Lloyd's Rep 356 (seaworthiness, GA bond)
- *PST Energy 7 Shipping LLC v. O.W. Bunker Malta (the "Res Cogitans")* [2016] UKSC 23 (supply of bunkers, passing of title)
- *Neon Shipping v Foreign Economic Co-Operation Co.* [2016] 2 Lloyd's Rep 158 (shipbuilding contract, Sale of Goods Act implied terms)
- *Stolt Kestrel v Niyazi S* [2015] EWCA Civ 1035 (nature of Admiralty action in rem, distinction from action in personam; circumstances in which Admiralty in personam claim form should be extended)
- *Shagang South-Asia (Hong Kong) Trading Co Ltd v Daewoo Logistics* [2015] 1 All E.R. (Comm) 545; [2015] 1 Lloyd's Rep. 504 (Gencon cl. 19 arbitration clause)
- *Navig8 Inc v South Vigour Shipping* [2015] 1 Lloyd's Rep. 436 (charterparty, meaning of "Disponent Owner", authority of agent/broker)
- *Tartsinis v Navona Management* [2015] EWHC 57 (Comm) (contract for sale of fleet/share transfer; rectification)
- *Great Elephant Corporation v Trafigura Beheer BV (The "Crudesky")* [2014] 1 Lloyd's Rep. 1 (Court of Appeal): demurrage
- *Primera Maritime (Hellas) Ltd v Jiangsu Eastern Heavy Industry Co Ltd* [2014] 1 Lloyd's Rep. 255: Shipbuilding, whether Buyers were entitled to terminate on grounds of repudiatory breach by Shipyard
- *Kuwait Rocks Co v AMN Bulkcarriers Inc (The "Astra")* [2013] 2 Lloyd's Rep. 69: Whether failure to pay hire is a repudiatory breach of a timecharter
- *Sealion Shipping Ltd v Valiant Insurance Company (The "Toisa Pisces")* [2013] 1 Lloyd's Rep. 108: Due diligence by Owners
- *Taokas Navigation SA v Komrowski Bulk Shipping Kg (GmbH & Co) (The "Paiwan Wisdom")* [2012] 2 Lloyd's Rep. 416: Whether Owners were justified in refusing to proceed because of concerns regarding piracy
- *Compania Sud Americana De Vapores SA v Sinochem Tianjin Import & Export Corporation (The "Aconcagua")* [2010] 1 Lloyd's Rep. 1: Seaworthiness, dangerous goods, burden of proof

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## Education

Robert Bright was born in 1964 and read jurisprudence at Oxford University, attaining First Class Honours in 1985. He gained the postgraduate BCL qualification, also at Oxford, in 1986. Robert Bright joined 7KBW in 1988, following the completion of his pupillage, and he has since practised here in all the classes of litigation frequently seen in the Commercial Court and in commercial arbitrations. He took silk in 2006.