

Quadrant House, 10 Fleet Street, London EC4Y 1AU

Tel: +44 (0)20 7583 4444

Email clerks@quadrantchambers.com



Christopher Jay

Called: 2009

Email: christopher.jay@quadrantchambers.com

Chris has a broad international commercial practice that encompasses dry shipping, shipbuilding, commodities, energy, banking, cross-border insolvency and insurance.

He is typically instructed as junior counsel in respect of particularly complex or high value disputes. He prides himself on finding innovative solutions to difficult problems, and on providing a user-friendly and client-focussed service. Chris also regularly accepts instructions as sole counsel in all areas of his practice and has represented clients in the High Court and arbitration.

Examples of past and on-going instructions include:

Regulus Ship Services Pte Ltd -v.- Lundin Services BV[2016] EWHC 2674 (Comm), [2016] 2 Lloyd's Rep 612, [2016] Lloyd's Rep Plus 76 - Chris appeared for the defendants in their successful defence of Regulus's claim for damages arising out of the over-ballasting of an FPSO during a 12,000nm towage. The case is important in the context of towage contracts, establishing the meaning of "light ballast condition" and the proper construction of clause 17 of the Towcon form.

"The Alexandros T"[2014] EWHC 3068 (Comm); [2015] 2 All ER (Comm) 747; [2014] 2 Lloyd's Rep 579; [2014] 2 CLC 503; [2015] Lloyd's Rep IR 54 - Chris appeared for Charles Taylor Adjusting Ltd ("CTa"), which successfully argued that it was entitled to the benefit of certain settlement agreements. The case is regarded as a leading authority on the application of the Contracts (Rights of Third Parties) Act 1999.

UNCITRAL arbitration; C -v.- D[2015] EWHC 119 (Comm) - Chris appeared for the applicants in their successful application for a nine-figure worldwide freezing order, and in the underlying arbitration, which concerned rights under a joint operating agreement relating to the construction and operation of a petrochemical plant.

Chudley & Bean -v.- Clydesdale Bank PLC[2017] EWHC 2177 (Comm) - Chris appeared for investors in the failed Paradise Beach investment scheme in their claim against Clydesdale Bank, which involved causes of action in contract, negligent misrepresentation, breach of trust, dishonest assistance and restitution. The case is particularly important for confirming the approach of *Flaux J* to the application of the Contracts (Rights of Third Parties Act) 1999 in *"The Alexandros T"*, and for distinguishing the Court of Appeal decision of *Avraamides -v.- Colwill* [2006] EWCA Civ 1533 in that context.

Heroic Warrior Inc -v.- STX Pan Ocean Co Ltd ("The Bum Chin"), Companies Court, no. 04446 of 2013 (6th Sept 2013, unrep.) - Chris appeared for the applicants in their successful application under Art. 20(6) of Sch. 1 to the Cross-Border Insolvency Regulations to modify a stay of London arbitration proceedings to enable the applicant to contest the rejection of its claim in South Korean rehabilitation proceedings without risking submission to the South Korean Court to the exclusion of its rights under the arbitration agreement (and thereby losing its security under a letter of undertaking). This approach has since been adopted in a number of other cases.

SBT Star Bulk & Tankers (Germany) GmbH & Co KG -v.- Cosmotrade SA ("The Wehr Trave")[2016] EWHC 583 (Comm), [2016] 2 Lloyd's Rep 170 - Chris worked with Nevil Phillips (counsel for the charterers) to successfully defend

the owners' s. 69 appeal. "The Wehr Trave" is the leading case regarding the scope of a charterer's rights under a time charter trip.

Personal Management Solutions Ltd -v.- Gee 7 Group Ltd -Chris is instructed by Gee 7 in relation to quantum aspects of Personal Group's claim for damages for breach of confidence. The case raises important questions about the application of the rule in *Henderson -v.- Henderson* in the case of split-trials, and, in particular, the extent to which a claimant can reformulate its claim on liability after the conclusion of the trial. The case is listed to be heard by the Court of Appeal in May 2018.

What the directories say

- *"Sensible, pragmatic and very commercial in his approach."*(Chambers UK, 2024)
- *"Chris is an outstanding junior. He is very bright, hugely industrious, gives 100% to every case, is responsive, calm in the face of adversity, and is an exceptional addition to any litigation or arbitration team."* (Legal 500 Asia Pacific, 2023)
- *"As an advocate, he is measured, careful and effective. Tribunals are attracted by his understated and gently persuasive style."* (Legal 500 Asia Pacific, 2023)
- *"He is exceptionally bright, enormously diligent and industrious, always willing to go the extra mile for his leader and his clients, and forward-thinking - with the result that he plans ahead in order meet the needs of those around him."*(Legal 500, 2023)
- *"He is fiercely bright, hugely diligent and hard-working."*(Legal 500 Asia Pacific, 2022)
- *"Fiercely intelligent, hugely diligent, hard-working, free thinking, and prompt. His work is thorough and comprehensive, and he will always go the extra mile."* (Legal 500, 2022)
- *"He can process large quantities of information quickly and goes the extra mile for the client."*(Legal 500 Asia Pacific, 2021)
- *"He goes the extra mile for the client."*(Legal 500, 2021)
- *"Willing to take points that require some grit in the face of an unwelcoming tribunal."*(Legal 500 Asia Pacific, 2020)
- *"Hardworking, capable and is resourceful in exploring arguments."*(Legal 500, 2020)
- *"He will not shy away from taking sensitive and difficult, but valid, points."*(Legal 500 Asia Pacific, 2019)

Shipping

Chris regularly undertakes advocacy, drafting and advisory work in this area. Examples of Chris's experience include the following:

- Charterparty disputes. Including disputes arising under both voyage and time charters. Issues that frequently arise include laytime and demurrage disputes, speed and consumption claims, off-hire, unsafe ports and early and late redelivery disputes.
- Bills of lading disputes. Including disputes relating to Hague/Hague-Visby Rules issues, carriage disputes, and issues connected with the incorporation of arbitration and jurisdiction clauses.
- Commodities. Including cargo claims and disputes relating to the proper construction of international commodities contracts.
- Carriage by road. Including claims under the RHA and BIFA standard terms, and CMR claims.

Chris recently appeared as junior to M.N. Howard QC in a two week arbitration under the ICC Rules relating to a long-term contract for the sale of woodchips. The case raised issues regarding the respective obligations of buyers and sellers to meet phytosanitary standards on imports, the communication of acceptance of a repudiatory breach, and issues connected with misrepresentation.

In a recent LMAA arbitration, Chris represented vessel owners as sole counsel in relation to disputes under a Baltime 1939 charterparty, which embraced disputes concerning overconsumption of bunkers and the time of vessel's

redelivery.

Shipbuilding

Chris has been instructed by a number of Chinese and European shipyards in relation to shipbuilding disputes (led by James M. Turner QC and Simon Rainey QC), and has also advised buyers in shipbuilding cases. These cases have involved a plethora of issues including: delay (delay analysis; damages at large and liquidated damages; rescission and repudiation; the “prevention principle”); defective design; coating failures; intellectual property and confidentiality; refund guarantees; and warranty claims and repairs.

Energy

Chris recently represented an energy and commodity trading company (as junior to Robert Thomas QC) at a one week liability hearing in relation to a USD100m dispute arising out of a joint operating agreement for a liquefied petroleum gas plant. The dispute included the nature of the parties’ respective investment obligations, whether one party was precluded from terminating the agreement by an alleged delay in the exercise of its rights, and the parties’ rights and obligations arising from a valid termination.

Commercial Dispute Resolution

“The Alexandros T”. Chris (as junior to Lionel Persey QC) advised Charles Taylor Adjusting Limited, which had acted as the claims handler for cargo insurers following the loss of the m/v “Alexandros T”, in relation to the jurisdictional disputes arising from the vessel owner’s claim against CTa in Greece, in particular relating to the effect of Arts. 27 and 28 of the Judgments Regulation. Chris and Lionel Persey QC represented CTa at its successful application to join English proceedings between the vessel owner and the hull and machinery insurers that had been settled before the Greek action commenced. Following the hull and machinery insurers’ successful appeal to the Supreme Court, Chris (as junior to Stephen Cogley QC) represented CTa in its successful application to the High Court ([2014] 2 Lloyd’s Rep 479) to claim the benefit of the indemnities contained in various settlement agreements between the vessel owners and the hull and machinery insurers.

C -v.- D [2014] EWHC 3245 (Comm) and [2015] EWHC 119 (Comm). Chris recently represented an energy and commodity trading company (as junior to Robert Thomas QC) in a successful application for a freezing injunction up to the value of USD105m in support of an international arbitration.

Chris was recently instructed (as junior to Stephen Cogley QC) by T.M. Lewin (Nigeria) in relation to a jurisdictional dispute, which relates to whether the English Court is the forum conveniens for the determination of a dispute relating to intellectual property rights and contractual distribution rights in Nigeria.

Chris was instructed in relation to a dispute concerning the ownership of bunkers on board a ship chartered to STX Pan Ocean. More recently, Chris has been instructed by vessel owners in relation to a number of bunker disputes arising out of the OW Bunkers insolvency.

Banking

Chris is regularly instructed in relation to a range of matters relating to banking and financial services, including: guarantees; fraud; consumer credit; disputes relating to loan agreements and lease-hire agreements. Recent instructions include:

- ***Chudley & Bean v. Clydesdale Bank*** (Commercial Court) – A case concerning a claim in which there are allegations of fraud against a Bank, arising from transactions which were processed by the bank through a client account in the name of one of their customers. The claim involves issues of breach of fiduciary duty, dishonest assistance, negligent misrepresentation and breach of contract (Led by Stephen Cogley QC).
- ***Intrinsic Financial Planning Ltd -v.- Riley*** (Cambridge County Court). A case concerning a claim under a director’s guarantee. Chris represented the former director as sole counsel and successfully defended the claim on the basis that the liability fell outside the general purview of the guarantee.
- ***Toomey Leasing Group -v.- Hymas*** (Southend County Court). A case concerning a claim under a director’s guarantee. Chris represented the lender, which was successful in its claim against the guarantor.

Chris is also regularly instructed to represent major banks and credit card companies, including in relation to debt claims and claims under mortgages. In the past, Chris frequently acted for banks in relation to claims for mis-sold PPI.

Insurance

Chris has experience of a range insurance and reinsurance matters, both marine and non-marine. Recent instructions have included:

- Advising in relation to the recoverability of losses flowing from a helicopter casualty under an Energy Package Policy.
- Advising and undertaking drafting in relation to disputes under P&I insurance policies.
- Advising in relation to the application of the rule in **Sprung -v.- Royal Insurance** [1999] 1 Lloyd's Rep 111.

International Arbitration

Much of Chris's work involves international arbitration. Chris has experience of arbitrations under the UNCITRAL and ICC Rules as well as under the LMAA Rules.

Insolvency

A number of Chris's cases have involved insolvency aspects, including issues relating to the Cross-Border Insolvency Regulations 2006.

- **Heroic Warrior Inc -v.- STX Pan Ocean Co Limited** (Chancery Division, 04446 of 2013). Chris was instructed (as junior of Stephen Cogley QC) to make an urgent application to protect his client's position in the international insolvency context, whilst allowing it to pursue claims in England. The client obtained an order that confirmed that steps taken by it in rehabilitation proceedings in South Korea would not constitute a submission to the Courts of South Korea to the exclusion of its rights under a contract that provided for exclusive English jurisdiction and would not operate to estop the client from pursuing its claims in England. The case involved issues under the UNCITRAL Model Law on Cross-Border Insolvency and the Cross-Border Insolvency Regulations 2006; it establishes a potentially important route by which claimants can protect their jurisdictional rights in the international insolvency context.
- Recently, Chris has been instructed by a number of owners in respect of issues arising from the insolvency of OW Bunkers.

Aviation & Travel

Chris regularly accepts instructions in this core area of Chambers work. He undertakes advisory and drafting work and has represented a number of major airlines and travel agents, as well as individual claimants, in the County Court in claims related to (inter alia) the Montreal Convention, EC Regulation 261/2004, bailment, personal injury, and general contractual issues.

Admiralty

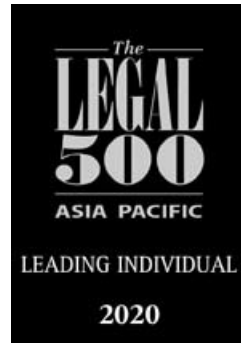
Chris regularly advises and represents clients in respect of Admiralty disputes, and undertakes drafting. Examples of Chris's experience in this area include the following:

- Advising in relation to the scope of Admiralty jurisdiction under s. 20 Senior Courts Act 1981.
- **"Westwind II"**. Chris acted as sole counsel for the Portland Harbour Authority in relation to an application for the appraisal and sale pendente lite of the vessel and the determination of the priority of claims.
- Issue relating to whether charterers were entitled to limit their liability in respect of a wreck removal recourse claim by reference to the Convention for Liability for Maritime Claims 1976 and the 1996 Protocol.

Academic

BA (Oxon.), English Literature, 1st Class
Graduate Diploma in Law (College of Law), Distinction

Ranking



Other qualifications

Inner Temple Major Scholar (2008-2009)
Inner Temple Duke of Edinburgh Entrance Scholarship (2008)