



Henry Ellis

Called: 2008
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Practice Overview

Henry has a broad commercial practice spanning shipping, commodities, international trade, energy/offshore and construction (shipbuilding) litigation. He has appeared in the Commercial Court and the Court of Appeal and regularly acts in confidential arbitration (LMAA, LCIA, SIAC, SCMA, ICC and ad hoc).

Henry is recommended in all the legal directories (Chambers UK, Legal 500 and Legal 500 Asia Pacific) as a leading junior barrister for shipping and commodities, where he has been described as *"the best shipping junior of his level of call"*; *"popular in Singapore shipping cases."* and *"a fantastic eye for detail and drafting way beyond his experience."*

Henry's practice is a mix of advocacy, drafting and advisory work. He is instructed to appear in trials, and has experience of handling both lay and expert witnesses. He also appears in appeals and interlocutory hearings and has obtained injunctive relief for clients. He is often appointed as sole counsel but is regularly led by Leading Counsel both in and out of Chambers.

As acknowledged by the legal directories, Henry has particular interest in, and experience of, dispute resolution in Asia. He practised primarily from Singapore in 2014-15, where he was licensed to practise by the Singapore Attorney-General.

Henry also has experience of working in-house at solicitors' firms, having spent time on secondment at Holman Fenwick Willan LLP in London and at Nordisk Skibsrederforening in Oslo.

What the directories say

'He combines a first-class brain, hard work and an easy-going outward manner.'
(Legal 500 2019)

"A shipping junior with experience in Singapore arbitrations."
(Legal 500 Asia Pacific: The English Bar, 2019)

"He presents very well and very appealingly to judges."
(Chambers UK 2019)

"He has a fantastic eye for detail and drafting way beyond his experience."
(Chambers UK 2019)

"The best shipping junior of his level of call. Hard-working, very bright, user-friendly and wise beyond his years."

(Chambers UK, 2018)

"A really helpful junior. Good on legal research."

(Chambers UK, 2018)

"He is a strong lawyer with a very practical, hands-on approach..."

Legal 500, 2017

"Popular in Singapore shipping cases...."

Legal 500 Asia Pacific, 2016

"A rising star..."

Legal 500, 2016

"Sharp, articulate and responsive."

Legal 500, 2015

Shipping & Maritime

Dry Shipping

Charterparty and cargo disputes form a substantial part of Henry's practice. He has considerable experience of acting in all types of dispute arising under time charters, voyage charters and other contracts of carriage, usually under the LMAA Rules, but also under the SCMA and SIAC rules. The following are some notable and recent examples:

- ***Pan Oceanic Chartering Inc v Unipec UK Co Ltd & Anor*** [2017] 1 Lloyd's Rep. Plus 32, Henry (led by Charles Kimmins QC) acted for the claimant shipbrokers in this 11-day Commercial Court trial. The claim for damages, originally in excess of US\$100m, was for lost brokerage commissions arising from the early termination by Unipec Asia of a long term contract of affreightment with Tankers International. POC claimed that the Unipec entities, part of the SINOPEC petrochemicals giant, were liable in conspiracy and interference with contractual relations under the law of New Jersey. The trial addressed interesting issues concerning the relationship between shipbrokers and their principals, as well as the proper approach to choice of law issues under the Rome Regulations.
- SIAC Arbitration (6-day hearing scheduled for Q1 2018): currently instructed as sole counsel for the claimant shipowner in a US\$13m claim under contract of affreightment for the carriage of steel pipe from Korea to the USA.
- LMAA Arbitrations (September 2017): acted as sole counsel in two arbitrations for claimant owners of two RO-PAX ferries in a balance of hire dispute (two consecutive 3-day hearings).
- LMAA Arbitration (May 2017): led by Simon Rainey QC, acted for the charterers of a diving support vessel in a three-handed dispute concerning oil contamination to the vessel's saturation diving system (hearing averted by late favourable settlement).
- LMAA Arbitration (January 2015): acted as sole counsel for claimant owners in a successful claim for

demurrage and damages for detention (1-day hearing).

- LMAA Arbitration (October 2014): acted as sole counsel for respondent charterers in a dispute regarding the application of the "CONWARTIME 2004" clause following an alleged threat to the vessel by Syrian Insurgents (1-day hearing). LMAA Arbitration (September 2014): acted for respondent ship owners to a US\$3.5m claim for alleged misdelivery of coking coal (2-day hearing).
- LMAA Arbitration (October 2013): acted as sole counsel for claimant charterers in a misdelivery and underperformance claim (1-day hearing).
- LMAA Arbitration: acted for respondent owners resisting a US\$7m claim relating to containers lost overboard in the South China Sea (issues of poor stowage).
- **Acer UK Ltd & ors v Kuehne + Nagel NV & ors** Claim No. 2011 Folio 1033: instructed as sole counsel by Associated British Ports to resist a £1m claim in the Commercial Court arising out of the theft of two containers of computers. The trial was averted by favourable settlement.
- **Perseveranza SpA v Western Bulk Carriers, the "NEWLEAD MARKELA"** Claim No. 2010 Folio 1172: acted for respondent owners in a Commercial Court trial regarding the settlement of a long-term time charterparty. The case concerned issues of rectification for common or unilateral mistake and trial was averted by a late favourable settlement.
- **"THE WILDEBEEST"** Claim No. 2010 Folio 1197: acted for the claimant disponent owners in a four-party US\$2.5m collision and demurrage dispute in the Commercial Court.

Wet Shipping

Admiralty and Salvage

- **The Nordlake and The Sea Eagle** [2016] 1 Lloyd's Rep. 656: the first collision action in the Admiralty Court for a number of years, led by Elizabeth Blackburn QC, Henry acted for the owners of the Nordlake in their claim for apportionment of liability for a collision with an Indian warship, the *INS VINDHYAGHIRI*. The case decided a novel point of law: namely whether or not the court must take into account the degree of fault of a vessel that is not before the court in apportioning liability under section 187 of the Merchant Shipping Act 1995.
- LOF Arbitration (October 2015): instructed as sole counsel for respondent shipowners in LOF claim for a salvage award. The hearing was averted by a late settlement.
- **The "BALTIC LEOPARD and the "PISTI"** Claim No. 2013 Folio 169: led by Timothy Hill QC, acted for the respondent owners of the *MV "PISTI"* in a collision action in the Admiralty Court. The trial was averted by late settlement.
- Led by Elizabeth Blackburn QC, acted for the Owners of the *MV "CORVUS J"* in their jurisdiction challenge to the Limitation Fund established by the owners of the *MV "BALTIC ACE"* (car carrier lost after a collision) in the Isle of Man.
- **MV "WESTWIND II"** Claim No. 2011 Folio 1329: acted as sole counsel for the owners of a mussel and oyster farm in an application for the appraisal and sale pendente lite of the arrested vessel *"WESTWIND II"*, following its collision with the farm. Henry also appeared at the hearing of the determination of priorities.

- Acted for owners in a US\$5.6 million claim against the managers of four VLCC vessels on the SHIPMAN 98 form.

General Average

- LMAA Arbitration (December 2015): led by Vasanti Selvaratnam QC, acted for ship owners in a claim for a US\$3m contribution under a General Average adjustment from cargo interests.

International Trade & Commodities

The following are some examples of Henry's recent and ongoing work in the fields of International Trade and Commodities:

- **BP Oil International Limited v Sahara Energy Resources** (December 2018) – instructed as sole counsel for the defendant in this upcoming 3-day Commercial Court trial concerning alleged shortage issues under a crude oil sale contract.
- SIAC Arbitration (March 2018): acted for the successful respondent “buyer” in a US\$1m claim under a disputed palm oil sale contract (5-day hearing).
- LCIA Arbitration: (August 2017): led by Simon Rainey QC, acted for the successful respondent coal trader in US\$4m dispute under a coal supply agreement against a claimant state power company.
- SIAC Arbitration: currently instructed as sole counsel for the claimant shipowner in a US\$13m claim under contract of affreightment for the carriage of steel pipe from Korea to the USA.
- SIAC Arbitration: currently instructed as sole counsel for the claimant iron ore trader in a US\$1.2m damages claim arising out of a disputed spot contract
- ICC Arbitration (January 2014) (Qatar seat): acted for claimants in a US\$23 million claim under a bitumen supply agreement for the New Doha International Airport.
- SIAC Arbitration (July 2015): acted as sole counsel for respondent buyers, successfully resisting a US\$2m claim under an iron ore sale contract involving allegations of force majeure due to extreme weather.
- **SAPI SpA v Sunshine Oil**: LMAA arbitration concerning 2 tallow sale contracts; Henry also appeared in the successful application for the Commercial Court to appoint an arbitrator under section 18 of the Arbitration Act 1996.

Shipbuilding

The following are some examples of Henry's recent and ongoing Shipbuilding work:

- LMAA Arbitrations: led by Lionel Persey QC, acting for the respondent buyers of 2 x floating accommodation rigs (FAUs) resisting claims for c. US\$57m and c. US\$180m respectively from the claimant shipyards following cancellation of the EPC contracts.

- LMAA Arbitrations: led by Nigel Eaton QC, acting for the respondent buyers of 2 x 64,000mt bulk carriers resisting the shipyard's claim for alleged wrongful termination, and seeking the return of instalments of the price under refund guarantees, following cancellation of the shipbuilding contracts due to alleged defects.
- LMAA Arbitration: led by Simon Rainey QC, acted for the buyer of a 106m, US\$170m, mega yacht resisting the shipyard's claim for alleged permissible delay during the construction period.
- LMAA Arbitration: led by Nigel Cooper QC, acted for the respondent shipyard in this c. US\$18m dispute concerning the alleged defective construction of a super yacht.
- LMAA Arbitration (November 2013): led by Timothy Hill QC, acted for the shipowner claimant in a claim for US\$24m worth of instalments paid on two Kamsarmax vessels in late 2008.
- LMAA Arbitration: acted as part of a team (led by Timothy Hill QC) on twin shipbuilding arbitrations with a combined value of US\$52 million.

Energy & Natural Resources

The following are some examples of Henry's recent and ongoing work in the fields of Energy/Offshore:

- LMAA Arbitrations: led by Lionel Persey QC, acting for the respondent buyers of 2 x floating accommodation rigs (FAUs) resisting claims for c. US\$57m and c. US\$180m respectively from the claimant shipyards following cancellation of the EPC contracts.
- LMAA Arbitration: led by Simon Rainey QC, acted for the disponent owners of a Diving Support Vessel (DSV) in this dispute concerning contamination of its saturation diving system during a deep sea well swap operation off the coast of Nigeria
- LMAA Arbitration: acting for the owners of an Offshore Support Vessel (OSV) in a US\$18m dispute over early redelivery under the charterparty following a piracy incident off the Nigerian coast.

International Arbitration

The following are some examples of Henry's recent and ongoing work in International Arbitration:

- SIAC Arbitration (March 2018): acted for the successful respondent "buyer" in a US\$1m claim under a disputed palm oil sale contract (5-day hearing).
- LCIA Arbitration (August 2017): led by Simon Rainey QC, acted for the respondent coal trader in US\$4m dispute under a coal supply agreement against a claimant state power company (4-day hearing).
- SIAC Arbitration: instructed as sole counsel for the claimant shipowner in a US\$13m claim under contract of affreightment for the carriage of steel pipe from Korea to the USA.
- SIAC Arbitration: instructed as sole counsel for the claimant iron ore trader in a US\$1.2m damages claim arising out of a disputed spot contract

- SIAC Arbitration (July 2015): acted as sole counsel for respondent buyers, successfully resisting a US\$2m claim under an iron ore sale contract involving allegations of force majeure due to extreme weather.
- LCIA Arbitration (November 2015 & February 2016): Henry acted a sole counsel for the successful Russian “oligarch” claimant in this US\$8m claim for damages arising out of the sale of a Russian bank to another “oligarch” respondent. The arbitration involved a very substantial counterclaim involving alleged breaches of warranty and fraudulent misrepresentation. Henry’s client made a very substantial recovery of damages, and the counterclaim was dismissed in its entirety (5-day and 2-day hearings respectively).
- ICC Arbitration (January 2014) (Qatar seat): acted for claimants in a US\$23 million claim under a bitumen supply agreement for the New Doha International Airport.
- LCIA Arbitration: advised the sellers of an African Telecommunications company in a US\$100 million dispute with the buyers.

Insurance & Reinsurance

- ***New Proton Bank S.A. & ors v Brit Insurance Limited & ors*** Claim No. 2011 Folio 1255: led by Timothy Hill QC, acted for the claimant owners of the *MT “ELLI”* in a US\$40 million constructive total loss claim in the Commercial Court. The trial was averted by a late favourable settlement.

Reported Cases

- ***Pan Oceanic Chartering Inc v Unipeck UK Co Ltd & Anor*** [2017] 1 Lloyd’s Rep. Plus 32, Henry (led by Charles Kimmins QC) acted for the claimant shipbrokers in this 11-day Commercial Court trial. The claim for damages, originally in excess of US\$100m, was for lost brokerage commissions arising from the early termination by Unipeck Asia of a long term contract of affreightment with Tankers International. POC claimed that the Unipeck entities, part of the SINOPEC petrochemicals giant, were liable in conspiracy and interference with contractual relations under the law of New Jersey. The trial addressed interesting issues concerning the relationship between shipbrokers and their principals, as well as the proper approach to choice of law issues under the Rome Regulations.
- ***The Nordlake and The Sea Eagle*** [2016] 1 Lloyd’s Rep. 656: the first collision action in the Admiralty Court for a number of years, Henry acted for the owners of the *Nordlake* in their claim for apportionment of liability for a collision with an Indian warship, the *INS VINDHYAGHIRI*. The case decided a novel point of law: namely whether or not the court must take into account the degree of fault of a vessel that is not before the court in apportioning liability under section 187 of the Merchant Shipping Act 1995.
- ***X v Y*** [2013] EWHC 1104, an application for security for costs and payment into court of c. US\$3.8m pursuant to sections 70(6) and (7) of the Arbitration Act 1996. The application for payment in was successfully resisted.
- Henry acted for the Second Defendant at first instance in ***BNP Paribas SA v OJSC Russian Machines & anr*** [2012] 1 Lloyd’s Rep. 61 (Blair J.) and [2012] EWHC 1023 (Teare J.), and then subsequently in the Court of Appeal in the conjoined appeals in ***Joint Stock Asset Management Company Ingosstrakh-Investments v BNP Paribas SA*** [2012] EWCA Civ 644. The case concerned complex issues of service and jurisdiction, as well as interim anti-suit relief obtained by the claimant bank against the Russian-domiciled Second Defendant.

Academic

MA (Cantab) First Class - Trinity College, Cambridge

CPE, BVC – City University

Awards

Levitt Scholarship, Lincoln's Inn - 2008
Lord Denning Scholar, Lincoln's Inn - 2007
Lord Haldane Scholar, Lincoln's Inn -2006
Hardwicke Entrance Award, Lincoln's Inn - 2006
Senior Scholarship, Trinity College, Cambridge - 2006
Junior Scholarship, Trinity College, Cambridge - 2004, (reawarded) 2005
Tripos Prizes, Trinity College, Cambridge - 2004, 2005, 2006
Royal Historical Society's Frampton Prize (top national mark in History A-level) – 2003

Appointments

2011: Henry spent six months on secondment to the Shipping and Transport Litigation Department of Holman Fenwick Willan LLP, where he assisted on a wide range of both dry and wet shipping disputes.

2013: Henry was seconded to Nordisk Skibsrederforening in Oslo.