



Lionel Persey QC

Called: 1981 Silk: 1997
lionel.persey@quadrantchambers.com

Practice Overview

Lionel Persey QC has, since 1982, advised and acted as an advocate in a wide range of commercial disputes, with a particular emphasis upon commercial litigation and arbitration, shipping, energy and insurance. He appears regularly in the higher courts (including the European Court of Justice) and before a wide range of international and domestic arbitration tribunals, including arbitrations conducted under the rules of the ICC, UNCITRAL, LCIA and the LMAA. Many of his cases involve complex legal and technical issues. He has considerable experience of conducting heavy and lengthy trials and arbitrations, and of working closely with large teams of juniors, solicitors and experts. He is regularly appointed as arbitrator in a wide variety of commercial disputes. He also acts as mediator.

Lionel was the 2014 Legal 500 "Silk of the Year in Energy & Projects". He has been cited for many years as a Leading Silk in the areas of Shipping, Energy and Natural Resources, International Arbitration and Insurance by the Chambers Directory and The Legal 500. He is ranked in Band 1 in Energy and Shipping in both guides.

What the directories say

'Excellent legal analysis and argument.'

Legal 500 2019

'He has a remarkable way of getting to grips with a case.'

Legal 500 2019

'A leader in offshore energy work; one of the big beasts of energy disputes, who engages with the detail of even the most sprawling dispute.'

Legal 500 2019

'Highly experienced in commercial shipping, energy and insurance disputes.'

Legal 500 2019

'A pleasure to work with: considered, thorough and extremely user-friendly.'

Legal 500 2019

'He is super-efficient, straightforward and very strong on the analysis of complex cases.'

Legal 500 2019

"He is always on top of the case and ready to roll his sleeves up."

(Shipping & Commodities Chambers UK, 2019 - leading silk (band 1))

"Highly experienced and has a really good commercial attitude, which is realistic and practical." "He's very good on the technical side and at cross-examining experts."
(Energy & Natural Resources Chambers UK, 2019 - leading silk (band 1))

"A master tactician who works exceptionally hard."
(Chambers UK, 2019)

"absolutely superb"... "one of the best silks around"
(Energy & Natural Resources - Who's Who Legal, 2018)

"Always on the ball and a tough opponent." "Very experienced and authoritative."
(Shipping & Commodities - Chambers UK, 2018)

"He is absolutely first-class."
(International Arbitration - Chambers UK, 2018)

"If you have a technical oil and gas case, instruct Lionel Persey QC, because he understands the detail."
(Energy & Natural Resources Chambers UK, 2018 - leading silk (band 1))

'Excellent.'
(Shipping - Legal 500, 2017)

"An outstanding lawyer."
(International Arbitration - Legal 500, 2017)

'A go-to for coverage issues in the shipping and energy sectors.'
(Insurance & Reinsurance - Legal 500, 2017)

'A master tactician, who works exceptionally hard.'
(Commercial Litigation - Legal 500, 2017)

"He is good at managing a really big case and one of the leading examiners of experts in the business."
(Energy & Natural Resources – Chambers UK, 2017)

"Really does know the energy business inside and out."
(Energy & Natural Resources – Chambers UK, 2017)

"Excellent – a safe pair of hands with premium brainpower"
(International Arbitration - The Legal 500, 2016)

"Recommended for coverage issues."
(Insurance and reinsurance - The Legal 500, 2016)

"The best cross-examiner of technical experts in the business"
(Energy - Leading Silks - Legal 500, 2016)

"Excellent on his feet and highly skilled in the art of cross-examination."
(Commercial litigation - The Legal 500, 2016)

"For the big, technical disputes he would be one of the first choice of counsel" ; "Very knowledgeable when it comes to the operations of offshore contracts. He is approachable and has a winning style with judges and arbitrators"

(Energy & Natural Resources – Chambers 2015)

"He has a very good sense of judgement." ; "He is a focused and tenacious advocate"

(Shipping – Chambers 2015)

"Perhaps the biggest name for technical arbitrations and a very good cross-examiner of experts"

(Energy – The Legal 500 2014)

"He really understands the industry, is very commercially aware and is technically able. He's an extremely good lawyer"

Energy & Natural Resources – Chambers 2014)

"He is a very impressive advocate." ; "He has vast experience, is efficient and really knows what he is doing"

(International Arbitration – Chambers 2014)

"Gets down to the minute detail and gives clients a first-class overview of case developments"

(Shipping – The Legal 500 2014)

"Second to none if you want an expert witness crushed in cross-examination"

(International Arbitration – The Legal 500 2014)

"A go-to barrister for large-scale projects" ; "he never makes mistakes"

(Energy & Natural Resources – Chambers 2013)

"Particularly good on offshore matters"

(Energy – The Legal 500 2013)

"The ideal choice to lead the team in a heavy case"

(International Arbitration – The Legal 500 2013)

"Everything you really want from a leader" ; "really adds considerable value just through his superior forensic approach, which means he spots arguments and legal avenues that others would have missed"

(Shipping – Chambers UK 2013)

"An excellent arbitrator"

(Shipping – The Legal 500 2013)

Highly recommended for offshore energy-related construction projects"

(Energy – The Legal 500 2012)

"Effective and influential" ; "real understanding of the industry which comes out in court"

(Energy & Natural Resources - Chambers 2012)

"Hugely impressive" ; "quite an understated advocate but certainly no less effective for that"

(International Arbitration - Chambers 2012)

"One of the best in the game" ; "fearless approach" ; "he loves just to dive into a case and get going"

(Energy & Natural Resources - Chambers 2011)

"I think he is second to none in shipbuilding and offshore construction. He runs the case well, and is a first class advocate who masters the technical detail"

(Shipping – Chambers 2014)

"Lightness of touch"; "a good mix of being very senior, and therefore well respected and knowledgeable, but also very approachable and easy going"

(Shipping – Chambers UK 2012)

"One of the big names in the shipping sphere, especially for disputes with a technical component"

(Shipping – The Legal 500 2012)

Shipping & Maritime

Dry Shipping

Recent legal directory comments in the field of shipping:-

- **"He has a very good sense of judgement ... He is a focused and tenacious advocate"** (Shipping – Chambers 2015)
- **"Gets down to the minute detail and gives clients a first-class overview of case developments"** (Shipping – The Legal 500 2014)
- **"I think he is second to none in shipbuilding and offshore construction. He runs the case well, and is a first class advocate who masters the technical detail"** (Shipping – Chambers 2014)
- **"An excellent arbitrator"** (Shipping – The Legal 500 2013)
- **"Everything you really want from a leader"; "really adds considerable value just through his superior forensic approach, which means he spots arguments and legal avenues that others would have missed"** (Shipping – Chambers 2013)
- **Lionel Persey QC impresses with his "lightness of touch". He also possesses "a good mix of being very senior, and therefore well respected and knowledgeable, but also very approachable and easy going"** (Chambers & Partners 2012)
- **Lionel Persey's "advice and assessments are always accurate and on complex issues he always manages to deliver clear answers"** (Legal 500 2011).
- **"...puts solicitors at their ease..."** (Chambers & partners 2011)
- **"... always sees the big picture and makes the right strategic calls ..."** (Legal 500 2010).
- **"... [Lionel Persey] ...has an extremely heavyweight shipping practice. His "delightful manner, great advocacy skills and huge commitment" ensure that he is never short of work ..."**(Chambers & Partners

2010)

- "... a lawyer of great standing who has seen more than most..." (Chambers & Partners 2009),
- "... outstanding" ... "friendly and knowledgeable ..." (Legal 500 2008).
- "... many others commented on his "magnificent ability to assimilate a huge volume of documentation on complex matters quickly" so that "on his feet, he never panics and is always calm and methodical". His leadership of a case and team management provide a constant source of praise. "User friendly and forceful but not aggressive" ..." (Chambers & Partners 2008)
- "... "amazingly thorough and first rate" and a "very penetrating cross examiner". "Very much one of the form horses ..." Chambers & Partners 2007

Lionel Persey's practice as an advocate and advisor covers the full range of dry shipping matters, including disputes arising under time charters, voyage charters, bills of lading, contracts of affreightment, ship and crew management and ship sale and purchase disputes. He regularly appears in court and in arbitration in all of these areas. He has recently appeared in a number of unseaworthiness, safe port and ship sale arbitrations.

In the current turbulent shipping market Lionel Persey has been providing advice to many shipowners and charterers on MoA and charterparty issues.

Lionel Persey is frequently appointed as an arbitrator in maritime arbitrations.

Recent reported cases include:-

- **Bernhard Schulte Shipmanagement (Bermuda) Ltd. v BP Shipping Ltd.** [2009] 763 LMLN 1
- **Galaxy Special Maritime Enterprise v Prima Ceylon** [2006] 2 Lloyd's Rep. 27 (Court of Appeal)
- **ICL Vikraman** [2004] 1 Lloyd's Rep. 21
- **The Posidon** [2001] 1 Lloyd's Rep. 697.

Wet Shipping

In the field of shipping, Lionel Persey is continually ranked as a Leading Silk in the legal directories:

- "**Lionel Persey QC offers "everything you really want from a leader." He "really adds considerable value just through his superior forensic approach, which means he spots arguments and legal avenues that others would have missed."** (Chambers & Partners 2013)
- "...one of the big names in the shipping sphere, especially for disputes with a technical component'..." (Legal 500 2012)
- **Lionel Persey QC impresses with his "lightness of touch". He also possesses "a good mix of being very senior, and therefore well respected and knowledgeable, but also very approachable and easy going"** (Chambers & Partners 2012)

- **Lionel Persey's "advice and assessments are always accurate and on complex issues he always manages to deliver clear answers"** (Legal 500 2011).
- **"...puts solicitors at their ease..."** (Chambers & partners 2011)
- **"... always sees the big picture and makes the right strategic calls ..."** (Legal 500 2010).
- **"... [Lionel Persey] ...has an extremely heavyweight shipping practice. His "delightful manner, great advocacy skills and huge commitment" ensure that he is never short of work ..."** (Chambers & Partners 2010)
- **"... a lawyer of great standing who has seen more than most..."** (Chambers & Partners 2009),
- **"... outstanding" ... "friendly and knowledgeable ..."** (Legal 500 2008).
- **"... many others commented on his "magnificent ability to assimilate a huge volume of documentation on complex matters quickly" so that "on his feet, he never panics and is always calm and methodical". His leadership of a case and team management provide a constant source of praise. "User friendly and forceful but not aggressive" ..."** (Chambers & Partners 2008)
- **"... "amazingly thorough and first rate" and a "very penetrating cross examiner". "Very much one of the form horses ..."** Chambers & Partners 2007

Lionel Persey has a leading practice in salvage, collision and admiralty. He appears in many of the major LOF salvage arbitrations of the day and is regularly retained in collision disputes and to advise and act in relation to issues of limitation of liability and jurisdiction.

He has represented the UK Government in the European Court in two of the leading Admiralty jurisdiction cases. He has acted for the Royal Navy and represented HM Coastguard in two leading cases which considered the question of whether the Coastguard owed a duty of care to mariners (*Skinner v Secretary of State for Transport*; *OLL Ltd. v. Secretary of State for the Home Department*).

In 2000, and again in 2006, Lionel Persey was appointed by the Secretary of State to chair public disciplinary inquiries held into the conduct of merchant officers under s.61 of the Merchant Shipping Act 1995.

Recent substantial salvage cases in which Lionel Persey has been involved include *Ocean Crown*, *Wan Hai*, *Trade Zale/Diamond Ray*, *Pongola*, *Thia Chryssoula*, *Norasia Taurus*, *Gaz Poem* and *MSC Napoli*.

Reported cases include:-

- **R v Goodwin** [2006] 1 Lloyd's Rep. 432 (whether a jet ski is a "ship" for the purposes of the Merchant Shipping Act 1995)
- **The Global Mariner and Atlantic Crusader** [2005] 1 Lloyd's Rep. 699 (collision in the Orinoco River)
- **The ICL Vikraman** [2004] Lloyd's Rep. 21 (limitation of liability; 1957 and 1976 Limitation Conventions; proper construction of articles 11 and 13 of the 1976 Convention) *Groupe Concorde v. The Master of the Vessel Suhadiwarno Panjan* [1999] E.C.R. 1-6307 (Brussels Convention - Article 5(1))
- **The Tatry** [1994] E.C.R. I-5439 (Brussels Convention - Article 5(1))

Commercial Dispute Resolution

Recommended as a leader in commercial litigation in the Legal 500 Directory, Lionel Persey is frequently retained to act and advise in substantial commercial cases.

Recent cases include:-

- **Bernhard Schulte Shipmanagement (Bermuda) Ltd. v BP Shipping Ltd.** (2009) 763 LMLN 1: representing the claimant in a Commercial Court claim arising out of a longstanding management agreement.
- **STX France Cruise S.A. v F3 One Ltd** (2008-2009): representing the claimant in Commercial Court proceedings against a Norwegian Cruise Line company involving the construction of one of the world's largest cruise liners. The claim settled shortly before summary judgment proceedings were due to be heard.
- **Uzpec Limited v.UZ-AIG** (2005-2007): acting for the claimant in a Commercial Court trial arising out of the blow-out of an oil well. The case settled on the eve of the trial.
- **Petromec Inc v Petrobras** [2007] 1 Lloyd's Rep. 629: representing the claimant in a Commercial Court trial against Petrobras involving allegations of deceit and negligent misrepresentation.

International Arbitration

The majority of Lionel Persey's practice involves disputes under contracts that are subject to arbitration agreements. Almost all of the arbitrations in which he is involved (whether as advocate or arbitrator) are international in nature. He is recommended as a leader in this field in the 2013 Chambers & Partners Directory.

Lionel Persey regularly appears as an advocate in LCIA, ICC, LMAA, Uncitral and ad hoc arbitrations in all of his main practice areas. Details of the matters in which he has appeared or is currently appearing are necessarily confidential.

Lionel Persey is frequently appointed as arbitrator in LCIA, ICC, LMAA, Uncitral and ad hoc arbitrations, particularly in the fields of energy, shipping and shipbuilding (see these practice areas for further details).

Insurance & Reinsurance

Lionel Persey's insurance practice is principally focussed upon matters arising in connection with the other areas in which he practices (particularly energy and shipping). He regularly provides advice on coverage issues both to insured parties and insurance companies and P&I Clubs and has been retained to act in confidential arbitrations in which important coverage issues have been considered. He is recommended as a leader in insurance and reinsurance in the 2012 Legal 500 Directory.

Recent cases include:-

- **Uzpec Limited v.UZ-AIG** (2005-2007): acting for the claimant against underwriters in a Commercial Court trial

arising out of the blow-out of an oil well. The case involved a wide range of coverage issues. It settled on the eve of the trial.

- o **Svenska Handelsbanken AB v Dandridge** [2003] Lloyd's Rep. IR 10 (Court of Appeal). A case involving war risks cover.

Energy & Natural Resources

Lionel was the 2014 Legal 500 "Silk of the Year in Energy & Projects". He has been cited for many years as a Leading Silk in Energy and Natural Resources by the Chambers Directory and The Legal 500. He is ranked in Band 1 in Energy and Shipping in both guides.

Comments from the most recent editions include:-

"For the big, technical disputes he would be one of the first choice of counsel" ; "Very knowledgeable when it comes to the operations of offshore contracts. He is approachable and has a winning style with judges and arbitrators" (Energy & Natural Resources – Chambers 2015)

"Perhaps the biggest name for technical arbitrations and a very good cross-examiner of experts" (Energy – The Legal 500 2014)

"He really understands the industry, is very commercially aware and is technically able. He's an extremely good lawyer" Energy & Natural Resources – Chambers 2014)

"A go-to barrister for large-scale projects"; "he never makes mistakes" (Energy & Natural Resources – Chambers 2013)

"Particularly good on offshore matters" (Energy – The Legal 500 2013)

"Effective and influential"; "real understanding of the industry which comes out in court" (Energy & Natural Resources - Chambers 2012)

Highly recommended for offshore energy-related construction projects" (Energy – The Legal 500 2012)

"One of the best in the game"; "fearless approach"; "he loves just to dive into a case and get going" (Energy & Natural Resources - Chambers 2011)

"...one of the really big beasts in the energy litigation jungle..." (Legal 500 2011)

"Leading Energy silk Lionel Persey is an excellent strategist for the really big cases" (Legal 500 2010)

"really engages with his work and always gives clients the feeling of being able to breathe much more easily" (Chambers & Partners 2010)

"The complete package, Lionel Persey of Quadrant Chambers knows the industry and understands the commercial parameters as well as the legal arguments." (Chambers & Partners 2009)

"Extremely hard-working, he has a terrific eye for detail and a strong grasp of the technical information connected with a case." (Chambers & Partners 2009)

"He is instructed to handle large and complex energy construction cases and is a "first choice for upstream construction matters" (Chambers & Partners 2009)

"the first choice lead counsel, especially for major construction disputes in the energy sector" (Legal 500 2008)

Following on from his involvement as junior counsel in the leading case of **McAlpine Humberoak Ltd. v McDermott International Inc** (1992) 58 BLR Lionel Persey has developed a substantial energy practice, with a particular emphasis on upstream matters. He acts as an advocate and provides advice in matters that cover almost every aspect of the oil and gas industry: from oilfield surveying and development, through the design and fabrication of oil and gas installations (both on and offshore), to the sale, carriage and delivery (or non-delivery) of the final product. He is regularly appointed as an arbitrator in substantial oil and gas disputes.

He has particular experience in disputes involving the construction of platforms and onshore/offshore oil and gas facilities and has a close grasp of both the legal and technical issues that arise in such disputes. He has worked closely with experts from a wide-range of disciplines, including oil field surveying and analysis, process engineering, facility design, mechanical engineering, structural engineering, welding, naval architecture, marine engineering, project management, quantity surveying, chemists and forensic accountants.

Examples of cases in which Lionel Persey has appeared as advocate are:

- Acting for contractors in disputes arising out of the construction of the THUNDERHORSE, the largest semi-submersible drilling platform in the world. The claims and counterclaims exceeded US100 million.
- Acting for drilling contractors in a trial against underwriters in a trial involving a blow-out in Uzbekistan: **Uzpec Limited v.UZ-AIG**. Technical issues involving drilling practice (case settled on eve of trial).
- Acting for the joint main contractors in disputes with a consortium of oil majors arising out of the construction of the largest gas production facility in the world (in Kazakhstan). Complex issues of design and construction were raised in the case. Claims and counterclaims exceeded US\$70 million.
- Acting for Petromec in a trial against Petrobras involving issues arising out of the upgrade of the P-36 platform, then the largest production platform in the world: **Petromec Inc v Petrobras** [2007] 1 Lloyd's Rep. 629.
- Acting for Norwegian trenching contractors in an LCIA arbitration relating to a contract for the trenching of a pipeline.
- The construction of a compliant piled tower for Benguela-Belize Development Project, acting for Kiewit Offshore Services.
- Arbitrations involving the construction of two FPSOs for the Norwegian sector of the North Sea, acting for FELS. The dispute between the head and sub-contractors involved claims and counterclaims of more than US\$70 million, and several lengthy arbitration hearings.
- The construction and operation of an oil and gas production platform in the Arabian Gulf acting for J Ray McDermott. The case involved lengthy arbitration hearings concerning a wide range of oil and gas production issues.
- Acting for contractors, FELS, in litigation involving the construction of the topsides for the Norne FPSO. The case settled very shortly before trial.

- A dispute arising out of the development of a TLP platform in the North Atlantic.

Lionel Persey has also advised in matters such as the following:-

Disputes involving the construction, laying and operation of pipelines.
Joint venture agreements involving:-

- The development of oilfields in Sakhalin Island.
- The development of an oil field in the North Atlantic.
- Contracts for the sale and supply of oil and gas. He has been involved in, and advised in relation to, a number of matters arising out of both long term supply and supply and distribution contracts as well as one-off sales.
- Contracts of affreightment for the supply and carriage of oil and gas.
- Charterparty and bill of lading disputes arising out of the carriage of oil and gas (and other chemical products) by sea.
- Shipbuilding contracts involving the construction of oil and gas tankers.
- Ship sale and purchase contracts involving the sale of second hand oil and gas tankers.

Examples of recent/current appointments as arbitrator in the energy sector are:-

- 2006-2008 Appointed and sat as arbitrator in an Uncitral arbitration concerning the development of an export terminal (including the conversion of an FPSO) in Angola.
- 2007-2008 Appointed and sat as arbitrator in an ICC arbitration concerning the construction of an oil pipeline in Nigeria.
- 2007-2008 Appointed and sat as arbitrator in an LCIA arbitration concerning an agreement for the sale of exploration rights to a Nigerian oilfield.
- 2008- Appointed and sitting as arbitrator in an LCIA arbitration concerning the sale and conversion of an FPSO.
- 2009- Appointed as arbitrator in an LMAA arbitration concerning the construction of a 6th generation semi-submersible drilling rig.

Shipbuilding

Lionel Persey has been involved in a large number of shipbuilding disputes over the past decade. He has been particularly busy in this field over recent months, advising buyers and yards alike upon the problems they face in the current difficult market and representing them in forthcoming arbitrations.

He has recently acted in the substantial litigation between STX France Cruise S.A. (formerly Aker Yards S.A.) and Norwegian Cruise Lines in relation to the construction of two of the world's largest passenger cruise liners: **STX France Cruise S.A. v F3 One Ltd.**

Lionel Persey has received a number of appointments in LCIA and LMAA shipbuilding arbitrations over recent months.

Jurisdictional Disputes and Conflicts of Laws

International litigation and arbitration frequently raise issues of jurisdiction and conflict of laws. Lionel Persey has frequently appeared and advised in cases involving such issues. He has represented the UK Government in four important cases concerning the scope of the Brussels Convention.

Reported cases include:-

- **Galaxy Special Maritime Enterprise v Prima Ceylon** [2006] 2 Lloyd's Rep. 27 (Court of Appeal)
- **Coreck Maritime GmbH v. Handelsveem BV** [2000] E.C.R. 1-9337 (Brussels Convention - Article 17)
- **Groupe Concorde v. The Master of the Vessel Suhadiwarno Panjan** [1999] E.C.R. 1-6307 (Brussels Convention - Article 5(1))
- **Leathertex Divisione Sintetici SpA v Bodeltex BVBA.** [1999] E.C.R. I-06747
- **The Tatry** [1994] E.C.R. I-5439 (Brussels Convention - Article 5(1))

Academic

1981 - Called to the UK Bar.

1980 - University of Birmingham: LLB (Hons) Law with French.

1979 – Université de Limoges: Diplôme d'Etudes Juridiques Françaises.

Awards

Birmingham: Holdsworth Jurisprudence Prize 1980.

Gray's Inn: Band Commercial Prize 1981.

Gray's Inn: Lord Justice Holker Award 1981.

Appointments

Deputy High Court Judge 2010

Recorder of the Crown Court 2002

Lloyd's Arbitrator 2009

Chair of Merchant Shipping Act Public Inquiries in 2000 and 2006

Memberships

Commercial Bar Association (COMBAR)

London Maritime Arbitrators' Association (LMAA) - Supporting Member

London Common Law and Commercial Bar Association (LCLCBA)

Technology & Construction Bar association (TEBCAR) Member of the Bar of Gibraltar

Member Bar Pro Bono Unit

Languages

French (good working knowledge)