



Michael Davey QC

Called: 1990 Silk: 2014
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Practice Overview

Michael's practice covers a broad range of commercial matters, including shipping, international trade, insurance and oil and gas exploration and production. He also has particular expertise in fisheries litigation.

Michael has been continually ranked as a Leading Junior in both Chambers & Partners and the Legal 500. Comments in previous editions have included: "...outstanding..."; "...an encyclopaedic knowledge of the law which allows him to argue cases by reference to the law rather than gut feeling..."; "...extremely user-friendly and impressive..."; "...has vast experience..." and "...ideal for any case which is slightly complex and unusual...".

What the directories say

'He is a specialist in complex claims.'
(Legal 500 2019)

"...highly recommended..."
(Legal 500, 2017)

"Very detailed, practical, calm and responsive." "Understated but outstandingly effective." "Affable and on top of the case law."
(Chambers UK, 2018)

"He is fast and intelligent, he can break a problem and rebuild it"
(Chambers UK, 2017)

"Very straightforward, very user-friendly and exceptionally bright"
(Chambers UK, 2017)

"An extremely charming and very experienced silk"
(Chambers UK, 2016)

"He has superb judgment and is intelligent and hard-working"
(Chambers UK, 2015)

"He has great tactical nous and common sense, and a very incisive mind"
(Chambers UK, 2014)

"He is very clear and precise, and has a good advocacy style"
(Chambers UK, 2014)

Shipping & Maritime

Dry Shipping

Michael's practice covers all aspects of dry shipping, commodities and transport. Significant reported cases include:

- **The "Pacific Champ"** (2013) 873 LMLN 2 (charterparty formation – arbitration - jurisdiction)
- **The "Paragon"** [2009] 1 Lloyd's Rep 658 (time charter – penalty clause)
- **TS Lines v Delphis** [2009] 2 Lloyd's Rep 54 (off-hire)
- **The 'UB Tiger' (no.2)** [2007] 1 WLR 2288, CA (carriage of goods - issue estoppel - limitation of time);
- **The 'Greek Fighter'** [2006] Lloyd's Rep Plus 99 (time charter - alleged oil smuggling - lawful merchandise - safe port - frustration);
- **The "Vinson"** (2005) 677 LMLN 1 (identification of charter incorporated by reference in bill of lading)
- **East West v Maersk** [2003] QB 1509, CA (title to sue – mis-delivery under bills of lading - foreign law);
- **The "Eleuthera"** (2003) 617 LMLN 3 (Shelltime 4 - speed and consumption claim)
- **TSN v Jurgens** [2002] 1 WLR 2459, CA (enforcement of foreign judgment)
- **Glencore v Metro** [2001] 1 Lloyd's Rep (applicable law - conversion of goods - foreign law);
- **UBC v Andre** [2001] 2 Lloyd's Rep 65, CA (laycan narrowing in charterparty);
- **The 'Aeolian'** [2001] 2 Lloyd's Rep 641, CA (construction - P&I Club LOU);
- **Ocean Chemicals v Exnor Craggs** [2000] Lloyd's Rep , CA (sale of bunkers - incorporation of terms - time bar).

Wet Shipping

Michael is regularly instructed to advise and to represent parties to salvage disputes and in relation to ship collisions. He has particular expertise in relation to the issues arising out of limitation of liability. Reported cases include:

- **ICL v Chin Tai** [2004] 1 WLR 2254 (limitation of liability);

- **Humber Work Boats Ltd v Owners of the Selby Paradigm** [2004] 2 Lloyd's Rep. 714 (default judgments – joinder – underwriters);
- “**Global Mariner**” and “**Atlantic Crusader**” [2005] 1 Lloyd's Rep 699 (collision);
- **Perks v Clark** [2001] 2 Lloyd's Rep 431, CA (taxation - is a jack up rig a ``ship``).

Banking & Financial Services

Michael is instructed in matters related to banking and finance of international trade and shipping, including letters of credit, guarantees and ship mortgages. Significant cases include **Den Norske Bank v Acemex (the “Tropical Reefer”)** [2004] 1 Lloyd's Rep. 1, CA (ship mortgage – guarantee).

Commercial Dispute Resolution

Michael's practice focuses on commercial litigation with an international element, including issues as to jurisdiction and applicable law. Significant reported cases include:

- **Fish & Fish Ltd v Sea Shepherd UK** (2013) 875 LMLN 1, CA (tuna farm – environmental protest - joint tortfeasors)
- **The ‘UB Tiger’ (no.2)** [2007] 1 WLR 2288, CA (carriage of goods - issue estoppel - limitation of time);
- **The ‘Greek Fighter’** [2006] Lloyd's Rep Plus 99 (time charter - alleged oil smuggling - lawful merchandise - safe port - frustration);
- **East West v Maersk** [2003] QB 1509, CA (title to sue – mis-delivery under bills of lading - foreign law);
- **TSN v Jurgens** [2002] 1 WLR 2459, CA (enforcement of foreign judgment)
- **Glencore v Metro** [2001] 1 Lloyd's Rep (applicable law - conversion of goods - foreign law);
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- **The ‘Aeolian’** [2001] 2 Lloyd's Rep 641, CA (construction - P&I Club LOU);
- **Ocean Chemicals v Exnor Craggs** [2000] Lloyd's Rep , CA (sale of bunkers - incorporation of terms - time bar).

International Arbitration

Michael advises and acts as advocate in the international arbitration of commercial disputes, including those arising out of oil and gas exploration and production, charterparties, bills of lading, ship sale and purchase, freight forward agreements, insurance and international sale of goods. Reported arbitration cases include:

- **The “Pacific Champ”** (2013) 873 LMLN 2 (charterparty formation – arbitration - jurisdiction)
- **The “Paragon”** [2009] 1 Lloyd’s Rep 658 (time charter – penalty clause)
- **TS Lines v Delphis** [2009] 2 Lloyd’s Rep 54 (off-hire)
- **The “Vinson”** (2005) 677 LMLN 1 (identification of charter incorporated by reference in bill of lading)
- **UBC v Andre** [2001] 2 Lloyd’s Rep 65, CA (laycan narrowing in charterparty).

Insurance & Reinsurance

Michael is regularly instructed in marine insurance matters, including the issues arising out of piracy under hull, cargo and war risks cover. Significant cases include:

- **Argo Systems FZE v Liberty Insurance** [2012] 1 Lloyd’s Rep. 129, CA (breach of warranty - waiver);
- **Mujur v Uni Asia General Insurance** [2011] Lloyd’s Rep. I.R. 465 (breach of warranty - CTL - service out of jurisdiction);
- **RZB v Five Star** [2001] QB 825, CA (applicable law - assignment of marine insurance)

Shipbuilding

Michael has experience of all aspects of shipbuilding disputes.

Energy & Natural Resources

Michael advises and acts as an advocate in disputes arising out of oil and gas exploration and production.

Fisheries

Michael has considerable expertise and experience in a broad range of fisheries matters from the proof of historic fisheries rights to personal injuries on fishing vessels. Significant reported cases include:

- **Loose v Lynn Shellfish Ltd** [2013] EWHC 901 (Ch) (accretion – boundaries – private fisheries);
- **Fish & Fish Ltd v Sea Shepherd UK** (2013) 875 LMLN 1, CA (tuna farm – environmental protest - joint tortfeasors);
- **The “Margaretha Maria”** [2002] 2 Lloyd’s Rep, CA (breach of statutory duty and the employment status of

fishermen);

- **Gray v Stead** [1999] 1 Lloyd's Rep. 377 (whether negligent not to require fishing crew to wear lifejackets).

Academic

LL.B (Lon), B.C.L. (Oxon)