



Stewart Buckingham

Called: 1996

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Practice Overview

Stewart is a commercial barrister, specialising in commercial law, mainly focussing on commercial litigation and international arbitration. He has extensive trial, interlocutory and arbitration experience, and also undertakes advisory work and drafting. He takes a commercially driven approach tailored to the practical needs of his clients, and aims to deliver excellence in the services he provides. He is particularly adept at dealing with complex technical disputes.

He has been consistently ranked as a 'Leading Junior' in both the leading directories for several years. Comments have included:

"praised for his approachability and user-friendliness, and is further admired for his advocacy skills"; "a delight to work with"; "easily understandable advice and commercially minded, down-to-earth style" (Chambers UK).

"very able, easy to work with and delivers excellent advice"; "previously rare salvage experience"; "highly regarded" (The Legal 500).

His practice includes the following areas:

- All aspects of commercial shipping disputes
- Shipbuilding and ship finance
- International sale of goods and documentary finance
- Marine insurance
- Commodities
- Commercial Fraud

What the directories say

"Highly competent and punching above his call."
Legal 500 Asia Pacific, 2019)

'He is always very responsive.'

(Legal 500 2019)

'A leading junior for many years now, he has a can-do attitude and a deep understanding of the legal and commercial issues.'

(Legal 500 2019)

'Involved in cases regarding some of the world's most challenging jurisdictions.'

(Legal 500 2019)

"He has an excellent knowledge of shipping and commercial contracts."

(Chambers UK, 2019)

"...quick, no-nonsense advice"... "Very competent, hard-working and a very pleasant opponent."

(Chambers UK, 2018)

"...He is an excellent advocate and particularly skilled in cross-examination; he knows shipping law inside out..."

(Legal 500, 2017)

"...Very bright, able and articulate, yet simultaneously approachable and communicative..."

(Legal 500, 2017)

"...Practical and level headed to work with." "He's going to be a notable player in the future..."

Chambers UK, 2017

"...Very sensible and level-headed..."

The Legal 500, 2016

"...A well-kept secret and an exceptional commercial advocate, who is dependable and a pleasure to work with..."

The Legal 500, 2016

"...he has a phenomenal practice and is very good with clients." "He is very thorough and clear..."

Chambers UK, 2016

"...a very practical and sensible advisor..."

(The Legal 500, 2015)

"...he makes his point calmly and precisely" "I have never seen him get worked up under pressure..."

(Chambers UK, 2015)

"...very astute and client-focused..."

The Legal 500, 2014

"...commercially and legally astute..."

(The Legal 500, 2013)

"... far more than a match for much more senior barristers than himself ..."

(Chambers UK, 2013)

Shipping & Maritime

Dry Shipping, Commodities & Transport

Stewart deals with shipping and commodity disputes in the Commercial Court and also has extensive experience of LMAA and ICC arbitration in this area, as well as trade arbitration under the rules of GAFTA, FOSFA and the ICA (and formerly as the LCA) at both first tier and Board of Appeal level.

His practice encompasses carriage of goods by sea and land, international trade, including oil and gas, and related documentary finance, bills of lading, the Hague and Hague-Visby Rules and related interim/s.44 relief. His commodities experience includes fertilizers, soybeans (including a series of arbitrations concerning the "pink" soybean issue), grain, coal, sunflower seed oil (including a series of arbitrations concerning contamination of Ukrainian sfs oil), linseed oil and fruit cargoes, including bananas and grapes.

Recent cases include

- **Jiangsu Shagang Group v Loki Owning Group ("MV Pounda")** [2018] 2 Lloyd's Rep. 35 - Issue in relation to whether an alleged guarantee was in fact agreed and whether the Tribunal has jurisdiction; and, if so, whether the guarantee was compliant with the Statute of Frauds.
- **CSSA Chartering and Shipping Services SA v Mitsui OSK Limited Ltd "The Pacific Voyager"** [2018] EWCA Civ 2413 - the leading modern case on the nature of ship owners' obligation to commence their approach voyage under a voyage charterparty.
- **Minerva Navigation Inc. v. Oceana Shipping AG (The "ATHENA")** [2013] 1 Lloyd's Rep. 145, relating to the proper interpretation of the off-hire clause in the NYPE 1946 time charterparty form;
- **Sideridraulic Systems SPA v. BBC Chartering & Logistic GMBH** [2012] 1 Lloyd's Rep. 230, involving an application for an anti-suit injunction and concerning the correct interpretation of a bill of lading and the application of the Hague-Visby Rules;
- **Pace Shipping Co Ltd v. Churchgate Nigeria Ltd (The "PACE") (No.2)** [2011] 1 Lloyd's Rep. 537, proper interpretation of section 2(4) of the Carriage of Goods by Sea Act 1992.
- **Mediterranean Salvage & Towage v. Seamar Trading & Commerce (The "REBORN")** [2009] 2 Lloyd's Rep. 639, Court of Appeal, in relation to the test by which terms are to be implied into commercial contracts.

Wet Shipping

Stewart also undertakes Admiralty work, and has appeared in Court and arbitration in cases involving collisions and high value salvages.

Reported cases include:

- The Krysia [2008] 2 Lloyd's Rep. 570; [2008] 2 Lloyd's Rep. 707 - collision
- The Forest Pioneer [2007] Lloyd's Rep. Plus 26 – collision and;
- The Enif [1999] 1 Lloyd's Rep. 643 (led by Tim Brenton) – collision.

Shipbuilding

Stewart has been heavily involved in international arbitrations concerning major shipbuilding disputes. Recent cases include:

- Arbitration claim in relation to shipbuilding dispute, seeking repayment of instalments of purchase price on the basis of repudiatory breach by builder of shipbuilding contract;
- ***Itochu Corporation v. Johann MK Blumenthal GMBH*** [2012] 2 Lloyd's Rep. 437, relating to the constitution of arbitration tribunal in relation to dispute under a shipbuilding contract;

Energy & Natural Resources

Stewart's experience in the field of energy and natural resources includes disputes arising out of the sale, purchase and transport of oil and gas cargoes, and off and on shore construction.

- ICC arbitration relating to a petroleum cargo, raising questions of the applicable law, payment under documentary credits and repudiatory breach;
- ***SHV Gas Supply & Trading SAS v. Naftomar Shipping & Trading Co Ltd (The "AZUR GAS")*** [2006] 1 Lloyd's Rep. 163, cancellation of contract for sale of butane

Commercial Dispute Resolution

A wide range of commercial disputes, arising out of all aspects of commercial enterprise, including civil fraud (tracing, dishonest assistance & secret profits) frustration and force majeure, import/export prohibitions, and international sale of goods. Recent cases include claims in arbitration concerning brokers' alleged secret profits; and alleged frustration of long term CoA's.

International Arbitration

Stewart acts in arbitrations under the rules of the LMAA, GAFTA, FOSFA and the ICA.

Recent cases include:

- ***B v. S*** [2011] 2 Lloyd's Rep. 18, whether Scott v. Avery clause excluded the jurisdiction of the Court under section 44 of the Arbitration Act 1999;
- Acting for shipowner in a chain of arbitrations, facing claims in deceit from the bill of lading holder, and seeking an indemnity as against the charterer.
- Acting for shipowner in respect of alleged failure to provide vessels under contract of affreightment. The main issue was whether the shipowner could rely upon a force majeure clause in circumstances where the relevant obligation had become economically unviable.

Insurance & Reinsurance

Stewart has extensive insurance experience, including marine insurance. He co-authored the insurance section of Butterworths Commercial Court and Arbitration Pleadings, 2005 Edition. Recent cases include:

- **Global Process Systems v. Syarikat Takaful Malaysia Merhad (The “CENDOR MOPU”)** [2010] Lloyd’s Rep. 243, Court of Appeal, involving a claim for damage to a jack-up rig and raising questions of law in relation to fortuity and inherent vice;
- **World Vision International v. QBE Corporate Limited**, involving a claim under an open cover

Academic

BA (Oxon), BCL

Other Qualifications

Middle Temple Benefactors Scholar
Middle Temple Lechmere Essay Prize

Publications

Butterworths Commercial Court and Arbitration Pleadings (2005), co-author of marine insurance section

Memberships

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