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Simon Croall KC

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Simon Croall KC is an established commercial silk who has appeared in every court (including recent appearances in the Supreme Court). He is a sought after trial advocate as well as being respected in the appellate courts. In recent years much of his work has been in the context of International Arbitrations.

He led the team for Owners in landmark House of Lords case on remoteness in contract damages *Transfield Shipping v Mercator Shipping ("The Achilles")* [2009] 1 AC 61. Recent reported highlights include another important case on damages *Fulton Shipping v Globalia (The New Flamenco)* in the Supreme Court [2017] 1 WLR 2581, [2017] 2 Lloyd's Rep. 177, the Court of Appeal [2015] EWCA 1299 and below [2014] 2 Lloyd's Rep. 230; *The Longchamp* [2018] UKSC 68 first reported English authority on the interpretation of Rule F of the York Antwerp Rules, arising in the context of ransom piracy payments; *ST Shipping & Transport Pte Ltd v Space Shipping Ltd ("The CV Stealth")* [2018] 1 Lloyd's Rep. 276; [2016] 2 Lloyd's Rep. 17 (claims arising out of the detention of a vessel by Venezuelan authorities); *Jiangsu Shagang Group v Loki Owning Group ("MV Pounda")* [2018] 2 Lloyd's Rep. 359 and *Essar Shipping v Bank of China* [2016] 1 Lloyd's Rep. 427.

Simon is particularly well known for his experience in the following fields: dry shipping and commodities, commercial litigation, International Arbitration, energy, insurance and Information Technology (see for example *De Beers v Atos Origin* [2011] BLR 274, a claim arising out of a large scale IT project).

He also has a global practice with a depth of experience working with Chinese and south east Asian clients. This was recognised by his ranking as a leader in International Arbitration by Chambers Asia Pacific 2018 and Legal 500 Asia Pacific Guides. Simon was named one of the top 10 maritime lawyers of 2017 by Lloyd's List. Simon was nominated for Shipping Silk of the Year at the Chambers & Partners Bar Awards 2018 and named Shipping Silk of the Year at the Legal 500 UK awards 2019.

He is also recommended as a leading silk Shipping and Commodities (Legal 500 UK and Asia Pacific, Chambers UK, Asia Pacific and Global editions), Energy (Legal 500 UK) and Information Technology (Chambers UK)

What the directories say

- *"Quick and highly responsive, he is a brilliant tactician and a very persuasive advocate."* (Chambers UK, 2023)
- *"It is lovely to involve him in a team because he relates immediately to everyone, is always across the details and is always energetic and engaged."* (Chambers UK, 2023)
- *"Simon is an excellent advocate at the top of his game."* (Chambers UK, 2023)
- *"He is one of the best shipping silks out there."* (Chambers UK, 2023)
- *"Simon is excellent at cutting through the issues and providing strategic direction."* (Legal 500, 2023)
- *"Highly responsive and with a clear and digestible written style, he is a good strategist who is easy to work with."*

(Legal 500, 2023)

- *"Simon is an absolutely excellent advocate who is at the top of his game."*(Legal 500, 2023)
- *"Very clear-minded, user friendly, engaging and dynamic, he has an unmatched ability to distil difficult legal and factual concepts into concise and straightforward drafting."*(Legal 500, 2023)
- *"He is experienced and his way of advocacy is very persuasive."*(Legal 500 Asia Pacific, 2022)
- *"He is direct, straightforward and able to explain the most difficult legal issues very clearly. He is at the height of his prowess."*(Chambers UK, 2022)
- *"He's really charming with clients, he gives crystal-clear advice on disputes, he can guide the strategy and he's so sensible as well."*(Chambers UK, 2022)
- *"Reliable, very user-friendly, good-humoured and accessible, he keeps things simple and is happy to explain his viewpoints and talk issues through."*(Legal 500, 2022)
- *"One of the most creative and intellectually formidable silks at the commercial Bar."*(Legal 500, 2022)
- *"A very well-known and experienced silk with all the legal knowledge that brings with it. He is at the top of his game."*(Legal 500, 2022)
- *"He is very commercially astute and lifts the burden of anyone instructing him."*(Legal 500 Asia Pacific, 2021)
- *"A very excellent and experienced, leading advocate who is a safe option for major maritime cases."*(Legal 500 Asia Pacific, 2021)
- *"He is always thinking outside of the box, coming up with novel and interesting ways to argue a point. He is fantastic."*(Chambers UK, 2021)
- *"Extremely bright, charming and persuasive. Very quick and responsive."*(Chambers UK, 2021)
- *"A best-in-class advocate who always impresses with his knowledge of the industry and has a deep mastery of international arbitration."*(Legal 500, 2021)
- *"A best-in-class advocate with a deep mastery of all aspects of international arbitration, he is exceedingly commercial and an excellent problem solver."*(Legal 500, 2021)
- *"He is exceedingly commercial and an excellent problem solver, who provides insight which a diverse base of clients from all around the world can comprehend and agree with."*(Legal 500, 2021)
- *"Perceptive, strategic and good with clients."*(Legal 500 Asia Pacific, 2020)
- *"A simply excellent shipping silk."*(Legal 500 Asia Pacific, 2020)
- *"Really attuned to the client, very clear in his thinking and very sympathetic to the client's cause. He brings clarity and a sense of humour, which makes him delightful to work with."*(Chambers UK, 2020)
- *"He's sharp and articulate in cross-examination."*(Chambers UK, 2020)
- *"He argues his position with a great deal of force which comes across as very convincing and authoritative."*(Chambers UK, 2020)
- *"Undoubtedly one of the top silks for big energy cases, his cross-examination is forensic."*(Legal 500, 2020)
- *"A very smooth, calm and considered advocate with a masterful grip on the issues."*(Legal 500, 2020)
- *"His cross-examination is forensic, his submissions are persuasive and he is one of the hardest working silks in the market."*(Legal 500, 2020)
- *"He is very clever and has real tactical astuteness." ... "Very thorough, unflappable and easy to work with."*(Chambers UK, 2019)
- *"Versatile and well able to deal with a variety of issues, he is thorough and user-friendly."*(Chambers UK, 2019)
- *"An excellent technician who always picks good points."*(Legal 500, 2019)
- *"He approaches his cases methodically and with clear thinking."*(Legal 500, 2019)

- *"A thoughtful, articulate advocate who covers all of the bases. He anticipates well the arguments which are going to be raised."*(Chambers UK, 2019)
- *"is... just brilliant at cutting through a complex problem..."*(Who's Who Legal, 2018)
- *"...Very good with clients and very thorough, he's not afraid to identify weaknesses and does so in a sensible way..."*(Chambers UK, 2018)
- *"...He is razor-sharp in his analysis and excellent on his feet..."*(Legal 500, 2017)
- *"...A very clear advocate, who picks good points and expresses them in a way people can understand..."*(Legal 500, 2017)
- *"...Very good at presenting the merits of an argument..."*(Legal 500, 2016)
- *"He has a real ability to look at things dispassionately in a forensic way." "He's thorough, experienced and good to work with."; "He is excellent with clients. They love him since he is really sensible, but tough."*(Chambers UK, 2016)
- *"...smart and efficient..."; "...clear and definite advice..."; "...very, very accurate..."*(Chambers Asia-Pacific, 2016)
- *"...he brings formidable judgement to cases involving contracts..."; "...very experienced and charming, and makes the most of difficult cases..."; "...a relaxed and very user-friendly silk..."; "...a top-quality advocate..."*(Legal 500, 2015)
- *"...he's really sharp and massively bright - he's a joy to work with and very, very client-friendly..."*(Chambers UK, 2015)
- *"...learned, comprehensive and sharp..."; "...a popular choice for instructing law firms in China and beyond..."*(Legal 500 Asia Pacific, 2015)
- *"...he has a strong global practice ... and is a trusted name in international arbitration..."; "...a fantastic advocate..."; "...his trade and commodities work is second to none..."*(Whos Who Legal, 2015)
- *"...go-to for shipping and commodities issues..."; "...a very safe pair of hands, who's extremely good with clients..."*(Chambers Asia-Pacific, 2015)
- *"...particularly talented and very personable; he really knows his stuff..."; "...incredibly bright, always engaging...."*(Legal 500, 2014)
- *"...he is a very busy and efficient practitioner..."; "...quick and commercial in providing his advice; he has fantastic judgement..."; "...very experienced, intelligent and dependable..."*(Chambers UK, 2014)

Shipping

Simon is in demand in a broad range of disputes, including all aspects of shipping, commodities and international trade. He also acts on a high volume of cases involving Far Eastern, especially Chinese clients.

A regular in the Commercial court, he is increasingly brought in for complex appeals including the landmark House of Lords decision in: *The Achilles*, one of the most important recent cases in contract law, *The New Flamenco*, *The Reborn*, *The Eagle Valencia* and *The Elbruss*. Simon has also been involved recently in a series a high value international arbitrations arising out of long terms Contracts of Affreightment and Charterparties.

Simon is also highly experienced in arbitrations, including those under ICC, LCIA, SIAC, HKIAC, LME and LMAA rules.

He is for many years now been also a recommended leader for **Shipping and Commodities** (Legal 500 UK and Asia Pacific and Chambers UK, Asia Pacific and Global Editions). Simon was named one of the top 10 maritime lawyers of 2017 by Lloyd's List. He was nominated for Shipping Silk of the Year at the Chambers & Partners Bar Awards 2018 and was awarded Shipping Silk of the Year at the Legal 500 Awards 2019.

Recent and notable cases include:

- *Globalia Business Travel SAU v Fulton Shipping Inc of Panama ("The New Flamenco")* [2017] UKSC 43, [2017] 1 WLR 2581, [2017] 2 Lloyd's Rep. 177 - Simon acted in the Supreme Court (and below in the Court of Appeal ([2016] 1 WLR 2450 and Commercial Court [2014] 2 Lloyd's Rep.230) in relation to a dispute arising out of the

termination of a charterparty for a cruise vessel on issues relating to the application of the rules of mitigation and in particular whether the benefit arising from the sale of their ship by the Owners was to be brought into account in the assessment of damages. Simon led Ben Gardner and Peter Ferrer.

- *Mitsui & Co Ltd v Beteiligungsgesellschaft LPG ("The MV Longchamp")* [2017] UKSC 68; [2018] 1 Lloyd's Rep. 1 and [2016] 2 Lloyd's Rep. 375(CA) - represented cargo interests on an appeal to the Supreme Court relating to whether expenses incurred during the period of negotiation with Somali pirates were allowable in general average under Rule F of the York-Antwerp Rules 1974. The case is the first time the English Courts have had to determine the scope and meaning of Rule F since it was introduced in 1924. Simon led Paul Toms.
- *ST Shipping & Transport Pte Ltd v Space Shipping Ltd ("The CV Stealth")* [2018] 1 Lloyd's Rep. 276; [2016] 2 Lloyd's Rep. 17 - acted on a series of appeals under section 69 of the Arbitration Act 1996 in a case arising out of the prolonged detention of the vessel by the Venezuelan authorities. The decision addressed matters related to the express indemnities under charterparties and the scope of clause agreeing to appeal on a point of law. The arbitration addressed issues relating to frustration, causation and constructive total loss. Simon led Koye Akoni also of Quadrant Chambers.
- *Jiangsu Shagang Group v Loki Owning Group ("MV Pounda")* [2018] 2 Lloyd's Rep. 359 - acted for the JSG Group (a large privately owned Chinese Steel Mill) in a high value claim (on an alleged guarantee) for damages for breach of a long term time charterparty. JSG were the alleged guarantor. The claim is worth about US\$60m. Simon led Stewart Buckingham.
- *CSSA Chartering and Shipping Services v Mitsui OSK Lines ("Pacific Voyager")* (Court of Appeal, October 2018) - acting for Owners on appeal from a decision of the Commercial Court (Popplewell J.) on the novel issue as to whether a shipowner is required to commence an approach voyage under a voyage charter by a specific date even where it has not warranted a arrival date or given an expected ready to load date. The court held the owners were liable despite being prevented from starting the voyage by an event which was not its fault and would have fallen with agreed exclusions of liability if the event had occurred after the voyage had commenced. Simon led Stewart Buckingham. Judgment awaited.
- *Essar Shipping v Bank of China* [2015] EWHC 3266 on factors relevant to the grant of anti-suit injunctions.
- *AET Inc v Arcadia Petroleum ("The Eagle Valencia")* [2010] 2 Lloyd's Rep. 257 (Court of Appeal), the Appeal Court's first consideration of demurrage time bars in recent times.
- *Mediterranean Salvage v Seamar* [2009] 2 Lloyd's Rep. 639/ [2009] 2 All ER 1127 on implied terms from the Court of Appeal
- *Dalwood Marine v Nordana Lines* ("The Elbrus") [2010] 2 Lloyd's Rep. 315. the latest word on implied terms from the Court of Appeal
- *Transfield Shipping v Mercator Shipping ("The Achilles")* [2009] 1 AC 61 as well as previously in the Court of Appeal [2007] 2 Lloyd's Rep. 555 and Commercial Court [2007] 1 Lloyd's Rep. 19
- *Rafaela S* [2005] 2 AC 423 (another House of Lords appearance) and in the Court of Appeal [2003] 2 Lloyd's Rep. 113 (CA).
- Also *Front Carriers v Atlantic & Orient* [2007] 2 Lloyd's Rep. 131 (repudiation of time charter), *Mass Glory* [2002] 2 Lloyd's Rep. 244 (claim for damages for detention, including rulings on effect of valid NOR's), and *Evergreen Marine v Aldgate Warehouse* [2003] 2 Lloyd's Rep. 597 (liner freight agreements).

Shipbuilding

Shipbuilding forms a very substantial part of Simon's practice. Over the last four years Simon has acted as lead Counsel in a series of International arbitrations in these fields with a particular emphasis on shipbuilding. Much of his work in this field involves Far Eastern, especially Chinese, clients.

Most disputes in this field are arbitration and hence confidential. Recent arbitrations includes deliverability disputes relating to two bulk carriers, disputes relating to the terms of Refund Guarantees and Performance Bonds, disputes relating to the formal requirements of contracts, and technical disputes relating to the construction of two VLCCs.

Energy

Simon is recommended as a leading silk for energy matters in the Legal 500. In the latest edition he is described as being "Excellent Technically".

Simon is in demand in a broad range of commercial and technical disputes relating to exploration for, extraction of, trading of and movement of the major energy sources. His knowledge in particular of international trade and commercial litigation means that he is increasingly acting on disputes relating to the trading of oil and petroleum products. However, he is equally at home in technical disputes as his extensive involvement with far eastern clients

working on cases relating to the construction and conversion of important parts of energy infrastructure.

In 2018 he successfully led the team on a large scale high value arbitration relating to the operation of off shore support barges for rigs in African oilfields and is engaged in two further arbitrations relating to jack up rigs with the hearings in 2019. As ever most disputes are confidential, however other recent cases have involved offshore supply disputes, coal trading disputes and oil trading and supply disputes such as *Glencore v Total Kenya Limited*, a commercial court action which settled in 2013, relating to the supply and storage of oil to Kenya in which Simon acted for Glencore.

Information Technology

Simon is a popular leader in Information technology and related disputes. He has acted and continues to act in large and complex disputes relating to the design, implementation and operation of systems.

His technology work has focussed on large IT projects. He is currently leading the team for a government agency, the Disclosure and Barring Service, in relation to a dispute with the IT supplier in relation to a long-term contract for the operation and modernisation of large scale, sensitive and very important services. The dispute, set down for a 7-week trial in the TCC in 2023, is technically complex and very large in scale. It is noted in *The Lawyer* as one of the top 20 cases of 2023.

Other examples include *De Beers v Atos Origin* [2011] BLR 274, a claim arising out of a large-scale IT project, where he successfully led the team in the Technology and Construction Court and *Wincor Nixdorf v Triversity* case relating to an EPOS system in a UK wide retailer also in the TCC.

He has also been involved in high profile arbitrations in the technology sector. These including representing a major Middle East airline in an international arbitration in London against a software provider over an online booking system relating to unpaid commissions and a dispute between the provider of software which operates as a Dynamic Tariffing system and their Iranian licensees arising out of the prohibited copying/distribution of the software in Iran.

Simon is recommended as an Information Technology 'Leading Silk', in Chambers UK. Praise within recent editions includes:

- *"Very good with clients and very thorough, he's not afraid to identify weaknesses and does so in a sensible way".*
- *"...he's a joy to work with and very,very client-friendly..."*
- *"...incredibly bright, always engaging and always interested..."*
- *"...he has fantastic judgment.."*
- *"...his forensic, incisive, clear and commercial aware approach is particularly suited to factually dense cases in IT"*
- *"...he impresses with "the sheer firepower of his intellect..."*
- *"...pragmatic and bright, and gets to the answer quickly..."*

Commercial Dispute Resolution

Simon is an established commercial leader both for litigation and international arbitration. Highlights include:

- He led the team in two landmark decision (of the House of Lords and the Supreme Court respectively) in damages namely *Transfield Shipping v Mercator Shipping ("The Achilles")* [2009] 1 AC 61 and *Fulton Shipping v Globalia (The New Flamenco)* [2017] 1 WLR 2581;
- He is instructed by a US aerospace giant in relation to a dispute relating to the exercise of option under complex Joint Venture agreements and also claims for breach of exclusive supply arrangements
- In the pharmaceuticals sector he recently acted in a dispute arising out contracts regulating stage 2 drug trials
- He acted for Glencore in a series of disputes including a recent commercial court action against Total Kenya involving claims arising out of the trading of oil.
- He acted for a major Middle East airline in an international arbitration against software provider for online booking about unpaid commissions.
- He has appeared in a series of International Arbitrations (LCIA, ICC, LMAA) in relation to matters as diverse as

copper trading, Liner Conferences, international franchise agreements and petrochemical refining and trading.

International Arbitration

Simon is an established commercial leader frequently appearing in international arbitrations. He is particularly well known for his work with South East Asian (especially Chinese clients). He is recognised by both Chambers Asia Pacific and Legal 500 Asia Pacific editions for his international arbitration work in the region. He has been described as “*a trusted name in international arbitration*” (Who's Who Legal UK Bar).

Recent highlights include:

- He has acted in a series of international disputes relating to the construction of commercial vessels such as VLCCs, capesize bulk carriers and other bulk carriers.
- He has acted for Chinese clients in disputes over long carriage and import contracts for iron ore both in London and Hong Kong.
- He has appeared in a series of International Arbitrations (LCIA, ICC, LMAA) in relation to matters as diverse as copper trading, Liner Conferences, international franchise agreements and petrochemical refining and trading.
- He acted for major Middle East airline in an international arbitration against software provider for online booking about unpaid commissions.
- He appeared in *ASM v Harris and others* [2008] 1 Lloyd's Rep. 61 (Comm Court) following on from related cases on bias in the same dispute, namely *ASM Shipping v TMTI* [2007] 1 Lloyd's Rep. 155 (CA) and *ASM Shipping v TMTI* [2007] 1 Lloyd's Rep. 131.

Simon also sits as an arbitrator. He is a supporting member of the LMAA and is a panel arbitrator for the Kuala Lumpur Regional Centre for Arbitration (KLRC).

Insurance

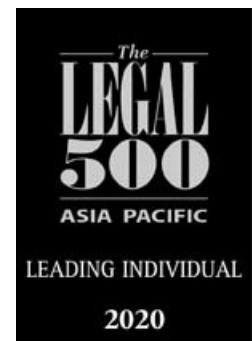
Simon Croall is frequently involved in and at home with all types of insurance and reinsurance disputes. Notable cases include:

- *Tryg Baltica v Boston Sefuos and others* [2005] Lloyd's Rep IR 40 relating to the effect of pesification in Argentina upon underlying insurance and London reinsurance contracts
- *Markel & others v La Republica Compania Argentina de Seguros Gerneralis AS and others* [2005] Lloyd's Rep IR 90 relating to the incorporation of a jurisdiction clause into a policy of reinsurance;
- *John Pike v Independent Insurance Co.* [1998] Lloyd's Rep. IR 410 Court of Appeal an insurance claim involving the construction of a standard form theft policy.

Academic

MA Cantab (Law) 1st Class Honours

Ranking





Memberships

COMBAR, LCLCBA, LLMA (Supporting), Society of Computers and the Law