



Michael Davey KC

Called: 1990

Silk: 2014

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Michael's practice covers a broad range of commercial matters, including shipping, international trade and marine insurance. He has appeared as leading counsel in the Supreme Court in cases ranging from The "Ocean Victory" to a claim in tort for an environmentalist attack on tuna fishermen.

Michael is co-author of Miller's Marine War Risks (4th edition, 2020, Informa). He is regularly instructed in marine insurance matters, ranging from disputes arising out of the war in Ukraine to jurisdiction over marine policies placed in London and elsewhere (*The "Kapitan Veselkov"* [2020] 1 WLR 4211).

Michael has been continually ranked as a Leading Barrister 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 very calm, technical and has your back in cases."* (Chambers UK, 2024)
- *"He will have assembled the puzzle and told you how the picture looks in the time it takes everyone else involved to find the four corners."* (Legal 500, 2024)
- *"Top tier for maritime insurance."* (Legal 500, 2024)
- *"His advocacy is excellent, as is the quality of all of his work."* (Legal 500 Asia Pacific, 2023)
- *"Michael is very bright and calm under pressure."* (Chambers UK, 2023)
- *"He is impressively concise in everything he does."* (Chambers UK, 2023)
- *"He is a very good fighter and very good on fisherman rights arrangements."* (Chambers UK, 2023)
- *"Absolutely excellent."* (Legal 500, 2023)
- *"Michael is very bright and calm under pressure. He is a very good fighter and very good on fisherman rights arrangements."* (Chambers UK, 2022)
- *"Very strong on fishing regulations. He is able to cut through the complexities of the case to focus on the core issues."* (Legal 500, 2022)
- *"He is phenomenal for charterparty, ship transaction, collision, salvage and bill of lading disputes."* (Legal 500 Asia Pacific, 2021)
- *"Michael Davey is very shrewd and makes every word count."* (Chambers UK, 2021)

- *"He has vast experience in both dry and wet shipping. He is hugely bright, very tenacious and enjoyable to work with."*(Chambers UK, 2021)
- *"He is an excellent silk."*(Legal 500, 2021)
- *"An impressive advocate and also very good with technical issues and experts."*(Legal 500 Asia Pacific, 2020)
- *"He's quietly persuasive, you suddenly find yourself agreeing with him."*(Chambers UK, 2020)
- *"He's a very understated but effective advocate."*(Chambers UK, 2020)
- *"A good tactician and great with clients."*(Chambers UK, 2020)
- *"He is a highly experienced barrister, with a deep understanding of the dynamics of shipping cases."*(Legal 500, 2020)
- *"He is a specialist in complex claims."*(Legal 500 2019)
- *"Very detailed, practical, calm and responsive." "Understated but outstandingly effective." "Affable and on top of the case law."*(Chambers UK, 2018)
- *"...highly recommended..."*(Legal 500, 2017)
- *"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

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

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);
- **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).

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

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

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)

Ranking



Publications

Miller's Marine War Risks (4th edition, 2020). Co-author with Jim Davey, University of Southampton and Oliver Caplin