



Thomas Macey-Dare KC

Called: 1994

Silk: 2018

Email: thomas.macey-dare@quadrantchambers.com

Phone: +44 (0)20 7822 1460

Tom is a leading commercial barrister specialising in shipping, shipbuilding, energy, international trade, insurance and international arbitration. He is recognised as a leading practitioner by the Legal 500 in Commodities and Shipping, and by Chambers & Partners in Shipping & Commodities.

In the directories, Tom has been described as *"fantastic"*, *"spectacular"*, *"extremely hard-working and clever"*, *"quick on his feet"*, *"brave"*, *"intuitive"*, *"incredibly practical"* and *"completely unflappable"*, and he has won praise for his *"spot-on"* command of the law, his *"exceptionally good"* mastery of technical issues, and his *"compelling"*, *"highly persuasive and very effective"* advocacy.

Tom represents shipowners, commodity traders, shipyards, underwriters, salvors, oil companies, banks and other commercial clients, in the Business & Property Courts (Commercial Court, Admiralty Court & Chancery Division), the Court of Appeal, and international commercial arbitrations. He is particularly skilled at handling cases involving complex commercial transactions and technical expert issues. He also specialises in emergency applications including freezing and antisuit injunctions.

Chambers UK 2020 says of him: *"A highly commended practitioner specialising in wet and dry shipping, international trade and insurance disputes. He has particular strength in emergency applications as well as technical issues related to navigation and seamanship. He is a frequent presence on both the courtroom circuit and in trade arbitrations."*

Tom is admitted as an attorney in New York, and is a registered foreign lawyer at the Singapore International Commercial Court.

What the directories say

- *"Thomas is fantastic with any expert heavy litigation. He has a forensic eye for detail and manages to succinctly distil vast quantities of complex material into a number of key issues."* (Legal 500, 2024)
- *"Thomas is an excellent lawyer who is commercial, calm and unflappable."* (Chambers UK, 2024)
- *"He has a fantastic ability to digest huge amounts of detail and his advocacy style brings people with him."* (Chambers UK, 2024)
- *"Thomas is able to articulate quite complicated concepts in this field. He drafts clearly and is a very safe pair of hands."* (Chambers UK, 2023)
- *"His collegiate style of cross-examination is particularly suited for arbitration."* (Chambers UK, 2023)
- *"He is fantastic with highly complex, highly technical or detailed, and document-heavy cases. He has a superb ability to distil huge amounts of evidence into concise and logical arguments."* (Legal 500, 2023)
- *"His undoubted strength lies in his ability to process heavy and highly technical issues, and his advocacy style is*

calm, considered and forensic."(Legal 500, 2023)

- *"He is very thorough and very willing to get to grips with the technical detail. He has a measured, forensic style."* (Chambers UK, 2022)
- *"Thomas is very responsive and gives a clear analysis of any issue. He has a strong understanding of often esoteric procedural points."*(Chambers UK, 2022)
- *"He is excellent at explaining difficult matters and concepts in simple terms to both solicitors and clients."*(Legal 500, 2022)
- *"Tom Macey-Dare is very thorough and conscientious. He is easy to deal with and provides excellent commercial advice."*(Chambers UK, 2021)
- *"He masters the detail and gives firm and clear advice."*(Legal 500, 2021)
- *"Excellent on his feet and is a compelling and persuasive advocate."*(Legal 500, 2021)
- *"He writes his advice in a very user-friendly way that can be easily understood by the lay client."*(Legal 500 Asia Pacific, 2020)
- *"Tom Macey-Dare is very thorough, a first-class brain."*(Chambers UK, 2020)
- *"Excellent on his feet and is a compelling and persuasive advocate."*(Legal 500, 2020)
- *"Recommended for complex shipping, international trade and insurance matters."*(Legal 500, 2020)
- *"Very hardworking and his attention to detail is excellent."*(Legal 500, 2020)
- *"Very detailed and technically strong, he can absorb highly technical documents and add great value."*(Legal 500 Asia Pacific, 2019)
- *"He is fantastic to work with."*(Legal 500, 2019)
- *"Highly recommended for his ability to give well-researched advice on complicated legal issues, as well as his approachability and promptness."*(Legal 500, 2019)
- *"Very user-friendly. He grasps difficult technical detail and has impressed me on multi-jurisdictional work. He really rolls his sleeves up to get to grips with foreign law issues."*(Chambers UK, 2019)
- *"He was spectacular. The judge was impressed by his knowledge of technical matters."*(Chambers UK, 2018)
- *"Very detail-oriented and very quick to get to grips with the legal principles."*(Chambers UK, 2018)
- *"His written advocacy is highly persuasive and very effective."*(Legal 500 UK, 2017)
- *"He is very hardworking, intuitive and quick on his feet."*(Legal 500 UK, 2017)
- *"Exceptionally good with the technical aspects."*(Chambers UK, 2017)
- *"His understanding of the maritime and commercial law was spot-on and he is able to direct a case to the right issues. He was completely unflappable, he kept his head no matter what was thrown our way."*(Chambers UK, 2017)
- *"A very friendly and amiable junior with a good understanding of the law and client needs."*(Legal 500 Asia Pacific, 2017)
- *"He is everything that a client would want to see and everything an opponent would not want to see."*(Legal 500 UK, 2016)
- *"Thorough, reliable and someone with a great understanding of the technical elements of the trade."*(Chambers UK, 2016)
- *"He knows how to expertly handle all aspects of a case."*(Chambers UK, 2016)
- *"Brave, intuitive and supportive."*(Legal 500 UK, 2015)
- *"A dogged and persistent advocate who leaves no stone unturned for his client."* (Chambers Global, 2015)

- *"Incredibly practical and very astute."*(Legal 500 UK, 2014)
- *"Extremely hard-working and clever - a very intelligent chap."*(Chambers UK, 2014)

Shipping

Tom has recently been advising on the rights and duties of shipowners and charterers of vessels preparing to transit the Suez Canal, Red Sea and Gulf of Aden, in light of attacks on shipping linked to the conflict in Gaza.

He has extensive experience of all types of shipping work, including charterparty disputes, cargo claims, collisions, salvage and GA. He is noted in the directories for his great understanding of the technical elements of the trade, and has a strong grasp of navigation, seamanship and engineering principles. He is a contributing editor of *Marsden & Gault on Collisions at Sea*, 14th Ed (2016).

Illustrative "dry" shipping cases include:

- *Eleni Shipping Ltd v Transgrain Shipping BV (The "Eleni P")* [2019] EWHC 910 (Comm), [2019] 2 All ER (Comm) 667, [2019] 2 Lloyd's Rep 265 - off-hire dispute under a chain of charterparties worth US\$ 11 million in total, arising from the capture of a bulk carrier by Somali pirates in the Arabian Sea.
- *LMAA arbitration* - dispute under time long term time charterparty over quality of bunkers supplied in the Russian Far East.
- *Shagang Shipping Co Ltd v Guofeng Enterprise Group Ltd* (Commercial Court claim and two ad hoc arbitrations) - high-value commercial dispute between two Hong Kong shipping companies, arising from a series of long-term COAs for Capesize vessels, concluded in the lead up to the crash of 2008 (led by Simon Croall QC).
- *Western Bulk v Carbofer (The "Western Moscow")* [2012] EWHC 1224 (Comm), [2012] 2 Lloyd's Rep 163, [2012] 2 All ER (Comm) 1140 - the leading modern authority on the nature of the lien on sub-hires, involving a claim down the chartering chain following the insolvency of a Swiss commodities house.

Illustrative "wet" shipping cases include:

- *The "Al Khattiya" and the "Jag Laadki" (The "Jag Pooja")* [2017] EWHC 3217 (Admlty), [2018] EWHC 389 (Admlty) [2018] 2 Lloyd's Rep 243 - collision between VLCC and LNG carrier in the Gulf of Oman, involving issues of jurisdiction and limitation.
- *The "Atlantik Confidence"* [2016] EWHC 2412 (Admlty), [2016] Lloyd's Rep Plus 73, [2016] All ER (D) 81 (Oct); [2014] EWCA Civ 217, [2014] 1 WLR 3883, [2014] 1 All ER (Comm) 909, [2014] 1 Lloyd's Rep 586, [2014] CP Rep 28, [2014] 1 CLC 293, 2014 AMC 686 (led by Robert Thomas QC) - the first ever English case to break limits under the 1976 Limitation Convention; also established the English court's power to permit the constitution of a limitation fund under the convention by means of a Club LOU.
- *The "Pontodamon" and the "He Da 98"* [2011] HKCFI 578 - acting as English consultant to local Counsel in the Hong Kong Court of First Instance, in a trial of issues of liability and apportionment arising from a collision in the traffic separation scheme off Shanghai.
- *The "Thunder Horse"* (2009) (led by Jeremy Russell QC) - LOF salvage arbitration concerning the largest ever salvaged fund.
- *The "Front Ace" and the "Vicky"* [2008] EWCA Civ 101, [2008] 2 Lloyd's Rep 45, [2008] 1 CLC 229, [2008] 2 All ER (Comm) 42 (led by Simon Rainey QC) - the leading modern case on damages for loss of a follow-on fixture resulting from a collision, resulting from a collision between a VLCC and a smaller tanker during STS operations off Indonesia.

Commodities & International Trade

Tom has acted in a wide variety of commodities disputes, in the Commercial Court in relation to freight derivatives and the sale of coal and fuel oil, in commercial arbitrations under the aegis of the LCIA and LMAA, and in trade arbitrations (GAFTA, FOSFA, RSA, LME).

Illustrative cases include:

- A series of *LCIA arbitrations* between Dutch and South African oil traders, involving disputes over a term supply contract for low sulphur diesel to southern Africa.
- *An LMAA arbitration* involving a claim for supply of contaminated industrial chemicals in Singapore.
- *An LMAA arbitration* involving a claim for supply of contaminated jet fuel in Singapore.

- **An LMAA arbitration** involving a claim for supply of contaminated vegetable in the Ukraine
- **United Petroleum Trading (UK) LLP v Varteg Energy SA** (Comm. Ct.) - dispute under a contract for the sale of a series of consignments of crude oil FOB Turkmenistan.
- An ad hoc London arbitration between two Swiss oil traders, involving a dispute over a term supply contract for hydropurified gasoil from the Caspian Basin
- **An LME arbitration** concerning force majeure in a sale of manganese ore, when the source mine was allegedly overrun by an armed gang
- **Pacific Bulk v Pioneer Freight Futures Ltd BVI** (Comm. Ct. 2009) - a claim under an over-the-counter forward freight agreement on FFABA 2007 / ISDA 1992 terms, arising out of the crash in the freight market in September 2008

International Arbitration

Much of Tom's practice involves LMAA, ICC, LCIA and Lloyd's salvage arbitrations. He also acts in ad hoc arbitrations and trade arbitrations under the aegis of GAFTA, FOSFA, RSA and LME. Invariably, these are international disputes between international parties.

Tom has experience of a broad range of applications to the High Court under the Arbitration Act 1996, including stay applications under section 9 and applications to extend time under section 12. He has also acted in a number of challenges to awards on jurisdictional grounds under section 67 and serious irregularity under section 68, and appeals on points of law under section 69.

Tom has particular experience of applications for freezing injunctions, other interim relief under section 44 of the 1996 Act, and anti-suit injunctions to restrain proceedings brought in breach of arbitration agreements or which interfere with arbitral proceedings.

Illustrative cases include:

- **ICC arbitration** - shipbuilding dispute between Russian owner and Polish yard
- **LCIA arbitration** - dispute between US engineering subcontractor and Kazakh main contractor under an oil and gas project in the Caspian basin.
- **LMAA arbitration and Commercial Court** - urgent section 44 application for injunctive relief to preserve the value of a shipbuilding refund guarantee.
- **LMAA arbitration and Commercial Court** - urgent section 44 application for LauritzenCool injunction to restrain a heavylift contractor from withdrawing sheerlegs employed in a construction project.
- **Ad hoc London arbitration** - claim by engineering contractors on major Middle Eastern infrastructure project, for losses resulting from loss in transit of project cargo.
- **LMAA arbitration and Commercial Court** - section 44 application for urgent injunctive relief to restrain breaches of shipbuilding contract for the construction of a Very Large Ore Carrier.
- **LMAA arbitrations** - dispute between owners, time charterers and cargo interests arising from explosions on board a Panamax bulk carrier following cargo fumigation.
- **Transgrain Shipping BV v Deilemar Shipping SpA** (in liquidation) [2014] EWHC 4202 (Comm), [2015] 1 Lloyd's Rep. 461 - section 67 challenge to arbitral award on jurisdiction made by a tribunal appointed pursuant to one of two conflicting arbitration clauses in the same charterparty.
- **Latvian Shipping Co v ROSNO** [2012] EWHC 1412 (Comm), [2012] 2 Lloyd's Rep 181, [2012] All ER (D) 31 (Jun), [2012] 2 FLR 181 - section 68 challenge and section 69 appeal from an arbitral award in a marine insurance dispute - whether the Court has power to set aside a grant of permission to appeal where it was misled or circumstances have changed.
- **Western Bulk v Carbofer** [2012] EWHC 1224 (Comm), [2012] 2 Lloyd's Rep 163, [2012] 2 All ER (Comm) 1140 - section 44 application for standard and Chabra / Cardile -type worldwide freezing injunctions under in support of a claim to enforce a lien on sub-hires under a chain of charterparties.

Tom edited the arbitration volume of Atkin's Court Forms between 1996 and 2018.

Insurance

Tom has wide experience of marine insurance disputes. He has also acted in a number of non-marine insurance cases, including disputes relating to insurance / reinsurance of credit risk; international customs liabilities; goods in transit; and commercial and domestic buildings.

Illustrative cases include:

- **LMAA arbitration** - marine insurance coverage dispute in relation to vessel detained by authorities in North Africa as a result of alleged cargo damage.
- **Latvian Shipping Co v ROSNO** [2012] EWHC 1412 (Comm), [2012] 2 Lloyd's Rep 181, [2012] All ER (D) 31 (Jun), [2012] 2 FLR 181 - representing hull underwriters in a claim in LMAA arbitration by owners of a chemical tanker for catastrophic damage to her CPP, and subsequently in the Commercial Court on challenges to the award under sections 68 & 69 of the Arbitration Act 1996.
- **White SA v Oman Insurance Co** (Comm Ct. 2007) - representing hull underwriters in a salvage indemnity claim arising from the grounding of a chemical tanker in the Suez Canal.
- **LMAA arbitration** - representing shipowners in a P&I claim defended on grounds of material non-disclosure.

Tom acted as junior counsel to the Names in *Henderson v Merrett Syndicates* [1996] 5 Re LR 279, [1996] PNLR 32, [1997] LRLR 265, and several other high profile cases within the Lloyd's litigation, concerning the negligent writing of stop-loss reinsurance, whole account run-off and RITC, and related professional negligence claims against members agents, auditors and actuaries. He has also represented insurance brokers in Lloyd's disciplinary proceedings. He is a former editor of *Atkin's Court Forms: Insurance*.

Banking

Tom's practice encompasses disputes relating to derivatives, asset finance and trade finance. He has also acted in a number of disputes involving letters of credit, bills of exchange, guarantees and letters of indemnity.

Illustrative cases include:

- **LMAA arbitration and Commercial Court** - application for urgent injunctive relief to preserve the value of a refund guarantee in a shipbuilding dispute.
- **LCIA arbitration** - dispute between main contractor and engineering subcontractor under a Kazakh oil and gas project, involving an attempt to call on a standby letter of guarantee, resisted on grounds of fraud in the transaction.
- **Pacific Bulk v Pioneer Freight Futures Ltd BVI** (Comm. Ct.) - claim under an OTC FFA on FFABA 2007 / ISDA 1992 terms, arising out of the crash in the freight market in September 2008.
- **GE Capital v Jomed (QBD)** - dispute between an asset finance company and a Dutch manufacturer of medical equipment under a parent company guarantee.
- **Strategic Finance Consultants v. Consorzio per lo Sviluppo Industriale della Zona dell'Aussa-Corno** [2005] EWHC 1834 (Comm), [2005] All ER (D) 55 (Aug) - a dispute between financial consultants and an Italian regional development agency concerning the procurement of €14.5 million of EU Objective 2 funding for infrastructural projects in north-eastern Italy.
- **Sea Marine Crew Management NV v Sparebanken 1 SR-Bank** (Comm. Ct.) - dispute between a Norwegian mortgagee bank and a crewing agency arising out of the restructuring of a fleet of bulk carriers.

Commercial Dispute Resolution

Tom's commercial litigation practice covers commercial contract disputes, share sale disputes, claims arising out of supply and distributorship agreements, and disputes between partners and joint venturers. Illustrative cases include:

- Advising in a commercial dispute between participants in a joint venture to exploit an offshore diamond mining concession in southern Africa.
- **Al Fulajj v Kingi & Kingi** (ChD) - claim brought by creditor of insolvent company against company's agent for breach of trust and fiduciary duty, and tracing claim against agent's wife, defended on grounds of bona fide purchase for value without notice.
- **Princess Salwa bint Nassir bin Abdulrahman Al Thnayan v Blue Harbour 2 Ltd** (QBD) - claim by members of the Saudi royal family against a 5-star London hotel for the loss by theft of millions of pounds worth of jewellery.
- **Gorst v Cabana Holdings Ltd** (QBD) - dispute between a soft drinks manufacturer and regional distributors, relating to earn-out and distributorship provisions of a share sale agreement.
- **GE Capital v Jomed** (QBD) - dispute between an asset finance company and a Dutch manufacturer of medical equipment under a parent company guarantee.
- **Garip v Kanli** (QBD) - joint venture dispute concerning a proposed tourist development in Northern Cyprus.
- **Strategic Finance Consultants v. Consorzio per lo Sviluppo Industriale della Zona dell'Aussa-Corno** [2005]

EWHC 1834 (Comm), [2005] All ER (D) 55 (Aug) - dispute between financial consultants and an Italian regional development agency concerning the procurement of €14.5 million of EU Objective 2 funding for infrastructural projects in north-eastern Italy.

- ***Dunblane Property v Motorcare*** [2002] EWHC 2924 (Comm); [2003] EWCA Civ 1033, [2003] All ER (D) 476 - share sale dispute between vendors and purchasers of an innovative motor accident repair management business.

Fraud

Tom is frequently instructed in disputes involving allegations of fraud, forgery and misrepresentation. His forensic skills and attention to detail make him a particularly effective advocate in this type of case. Illustrative cases include:

- ***Al Fulajj v Kingi & Kingi*** (ChD) - claim brought by creditor of insolvent company against company's agent, for breach of trust and fiduciary duty for misappropriating company monies, and tracing claim against agent's wife, defended on grounds of bona fide purchase for value without notice.
- ***United Petroleum Trading (UK) LLP v Varteg Energy SA*** (Comm. Ct) - claim by commodity trader for unlawful means conspiracy and dishonest assistance against another commodity trader, which acted as its agent and trade financier, in relation to the purchase of petroleum products from the Caspian basin.
- ***Ad hoc arbitration*** - claim by salvage tug company for common-law salvage against owner of cargo on salvaged vessel, defended on grounds of fraud and dishonest conduct under Article 18 of the 1989 Salvage Convention.
- ***LMAA arbitration*** - claim by a shipowner against a UAE petrochemicals company for wrongful repudiation of a long-term contract of affreightment, defended on the basis that the contract was a forgery.
- ***Strategic Finance Consultants v. Consorzio per lo Sviluppo Industriale della Zona dell'Aussa-Corno*** [2005] EWHC 1834 (Comm), [2005] All ER (D) 55 (Aug) - claim by financial consultants against an Italian regional development agency for payment of a consultancy fee for successfully procuring EU development funding, defended on the grounds that it was fraudulent and based on forged documents.

Energy

Tom has substantial experience in energy and natural resources. He has acted in a number of disputes involving petroleum production, transportation and refining; ocean towage, heavylift transportation and salvage of semi-submersible platforms and jack-ups; construction and operation of offshore supply vessels; and the carriage and sale of crude oil, petroleum products and coal.

Illustrative cases include:

- ***LCIA arbitration*** - dispute between main contractor and engineering subcontractor under a Kazakh oil and gas project, involving an attempt to call on a standby letter of guarantee.
- ***LMAA arbitration*** - dispute between an oil company and the owner of a fleet of VLCCs over whether a major refinery fire constituted a force majeure event.
- ***LMAA arbitration*** - ship sale dispute relating to the construction, stability characteristics and fitness for purpose of a specialised offshore supply and construction vessel.
- ***Lloyd's salvage arbitration*** - dispute between BP and professional salvors arising from the salvage of the world's largest semi-submersible PDQ after it took on a list and was at risk of sinking following a hurricane evacuation in the Gulf of Mexico. The case involved detailed technical disputes over the design, construction and operation of offshore surface and subsea installations, and the economics of offshore production.
- ***LMAA arbitration*** - dispute between offshore construction companies concerning dredging and laying of subsea oil pipelines in the Red Sea.
- ***Maridive VII v Key Singapore*** [2004] EWHC 2227 (Comm), [2005] 1 All ER (Comm) 99, [2005] 1 Lloyd's Rep 91 (led by Jeremy Russell QC) - salvage of a rig which broke free in a storm while being moved to a new location.

Shipbuilding

Tom recently acted in a dispute between a major shipowner and a leading shipbuilder in relation to a series of contractual options to purchase a number of large containerships at a total cost of US\$ 3/4 billion. The dispute centred on delivery dates and the buyer's right to choose between various NOx tier III emissions solutions.

Other significant cases include:

- **ICC arbitration** - shipbuilding dispute between Russian owners and a Polish yard involving technical expert issues
- **LMAA arbitration and Commercial Court** - urgent section 44 application for LauritzenCool injunction to restrain a heavylift contractor from withdrawing its sheerlegs from a shipyard where it was being used to assist construction of a newbuilding.
- **LMAA arbitration & Commercial Court** - dispute between a major Australian mining group and a Chinese shipyard over the design and construction of a fleet of Very Large Ore Carriers, involving an urgent application for an injunction to restrain breach of the shipbuilding contract in order to preserve the value of a Refund Guarantee.
- **LMAA arbitration** - dispute involving late delivery of two bulk carriers from Chinese shipyard, and permissible and impermissible delays under the SAJ form.
- **Lloyd's salvage arbitration** - dispute between BP and professional salvors arising from the salvage of the world's largest semi-submersible PDQ after it took on a list and was at risk of sinking following a hurricane evacuation in the Gulf of Mexico. The case involved detailed technical disputes over the design, construction and operation of offshore surface and subsea installations, and the economics of offshore production.
- **LMAA arbitration** - dispute over construction of superyacht.
- **LMAA arbitration** - dispute over refit of superyacht.
- A dispute over the design and construction of a power station.
- A dispute over the design and construction of a petrochemical plant, involving issues of force majeure.
- A claim relating to the design and construction of a tidal barrage.

Jurisdictional Disputes and Conflicts of Laws

Many of Tom's cases feature jurisdictional issues and conflicts of law. Notable cases include:

- *The "Al Khattiya" and the "Jag Laadki" (The "Jag Pooja")* [2017] EWHC 3217 (Admlty), [2018] EWHC 389 (Admlty) [2018] 2 Lloyd's Rep 243 - jurisdictional dispute arising from a collision off Fujairah between a VLCC and an LNG carrier, against the background of conflicting limitation regimes, sister ship arrests and the diplomatic dispute between the GCC and Qatar.
- *Western Bulk v Carbofer* [2012] EWHC 1224 (Comm), [2012] 2 Lloyd's Rep 163, [2012] 2 All ER (Comm) 1140 - whether the English court could permit service out of the jurisdiction under CPR 62.5(1)(b) of a claim for Chabra-type injunctive relief against a third party under section 44 of the Arbitration Act 1996.
- *STAR Reefers Pool Inc v JFC Group Co Ltd* [2012] EWHC 1803 (Comm), [2012] All ER (D) 50 (Aug), [2012] NLJR 1077 (led by Simon Rainey QC) - whether the English court had personal and subject-matter jurisdiction over overseas directors or other officers of a judgment debtor company for the purpose of proceedings for contempt under RSC Order 45 rule 5 (now CPR 81.4 & 81.20).
- *Vitol v Capri* [2008] EWHC 378 (Comm), [2008] All ER (D) 437 (Feb), [2008] BPIR 1629, [2009] Bus LR 271 - whether the English court had personal and subject-matter jurisdiction over overseas officers of a judgment debtor company for the purposes of cross-examination about the company's assets under CPR Part 71 (approved by the House of Lords in *Masri v Consolidated Contractors* [2009] UKHL 43).
- *Strategic Finance Consultants v Consorzio per lo Sviluppo Industriale della Zona dell Ausa-Corno* [2005] EWHC 1834 (Comm), [2005] All ER (D) 55 (Aug) - whether Italian public procurement rules were to be characterised as affecting the material or essential validity of a contract within the Rome I Convention, or as affecting capacity to contract.
- *Steamship Mutual v Owners of Cargo Lately Laden on Board the "Jutha Rajpruek"* [2003] EWCA Civ 378, [2003] 2 Lloyd's Rep 107 (led by Nigel Teare QC) - whether the English court was a "competent court" for the determination of a cargo claim in rem, within the meaning of a Club LOU.

Injunctions

Tom is regularly instructed to obtain freezing injunctions, antisuit injunctions and other forms of interlocutory relief, such as Vasso / Cienvic orders and interim orders for the sale of perishable cargo, often on an emergency basis. He has particular experience of applying for freezing injunctions against parties against whom the applicant has no substantive cause of action, under the Court's Chabra / Cardile jurisdiction. Notable examples include:

- *A v O* (Comm. Ct. 2021) – Tom obtained an urgent mandatory interim injunction compelling a charterer to provide security to release a vessel from arrest, under a letter of undertaking provided in consideration of the issuing of clean bills of lading. In so doing he successfully distinguished *Brown Jenkinson v Percy Dalton*.
- *F v B* (Comm. Ct. 2018) - Tom obtained an urgent LauritzenCool injunction under section 44 of the Arbitration

Act 1996 to restrain a heavylift contractor from removing its sheerlegs from a shipyard where it was being used to assist construction of a newbuilding.

- ***The "Al Khattiya" and the "Jag Laadki" (The "Jag Pooja")*** [2018] EWHC 389 (Admlty) [2018] 2 Lloyd's Rep 243 [2018] EWHC 389 (Admlty) - Tom successfully obtained an antisuit injunction restraining proceedings in the UAE on vexatious and oppressive grounds, in the context of a jurisdictional dispute arising from a collision off Fujairah, involving conflicting limitation regimes.
- ***LMAA arbitration and Commercial Court*** - application for an urgent interim injunction under section 44 of the Arbitration Act 1996 to restrain a breach of a shipbuilding contract which affected the value of customer's refund guarantee.
- ***Al Fulajj v Kingi & Kingi*** (ChD) - Tom successfully applied for a pre-action asset preservation order under section 33(1)(a) of the Senior Courts Act 1981, replicating a Cardile-type freezing injunction, where the applicant temporarily lacked a Siskina cause of action because the primary defendant company had been struck off.
- ***N v D*** (Comm. Ct.) - Tom successfully obtained an antisuit injunction against a non-party to an English arbitration agreement under the principle in *BNP Paribas v Joint Open Stock Co Russian Machines* [2011] EWHC 308 (Comm), [2012] EWCA Civ 644.
- ***STAR Reefers Pool Inc v JFC Group Co Ltd*** [2012] EWHC 1803 (Comm), [2012] All ER (D) 50 (Aug), [2012] NLJR 1077 - Tom succeeded in obtaining a worldwide freezing injunction against a judgment debtor and subsequently (led by Simon Rainey QC) in continuing that injunction and obtaining permission to serve contempt proceedings on seven individuals, alleged to be directors or other officers of the judgment debtor, out of the jurisdiction in Russia, in order to enforce the injunction.
- ***Western Bulk v Carbofer*** [2012] EWHC 1224 (Comm), [2012] 2 Lloyd's Rep 163, [2012] 2 All ER (Comm) 1140 - application for standard and Chabra / Cardile -type worldwide freezing injunctions against sub-charterers in support of the shipowner's attempts to exercise a lien on sub-hires down a chain of charterparties.
- ***C v P*** (Comm. Ct.) - Tom obtained standard and Chabra-type worldwide freezing injunctions under s 44 of the Arbitration Act 1996 against a Pakistani charterer and five associated entities, in support of a claim against the charterer in LMAA arbitration.
- ***Pacific Bulk v Pioneer Freight Futures Ltd BVI*** (Comm. Ct.) - Tom obtained standard and Chabra-type worldwide freezing injunctions against a Hong Kong based freight derivatives trader and four affiliated companies, in support of a claim arising from an over-the-counter forward freight agreement on FFABA 2007 / ISDA 1992 terms.

Insolvency

As part of his banking, shipping and general commercial practices, Tom deals with a wide range of domestic and international corporate insolvency matters, in the Chancery Division, Commercial Court, Companies Court and overseas. Illustrative examples include:

- ***Hai Jiao 1306 Ltd v Yaw Chee Siew*** [2020] SGHC(I) 16: Acting as consultant to Singapore counsel in a USD 200 million claim by a creditor bank to enforce bespoke forms of personal security issued by the sole shareholder and director of an insolvent international energy services group.
- ***Al Fulajj v Kingi*** (ChD, 2017): Acting for a creditor of an insolvent UK company in proceedings to acquire and enforce personal and proprietary claims against a former director and his wife for breach of trust. The proceedings involved obtaining a pre-action third party proprietary freezing injunction, restoring the insolvent company to the register, winding it up, purchasing its claims from the liquidators, and prosecuting those claims to trial in the Chancery Division.
- ***Transgrain Shipping BV v Deiluemar Shipping SpA (in liquidation) (The "Eleni P")*** [2014] EWHC 4202 (Comm), [2015] 1 Lloyd's Rep. 461; [2019] EWHC 910 (Comm), [2019] 2 Lloyd's Rep 265: Acting for a Dutch commodity trader in a dispute with the owner of a ship hijacked by Somali pirates. The proceedings involved applications in the Companies Court to avoid the effect of a stay of proceedings arising from the recognition of the insolvency of an intermediate party in Italy under the Cross Border Insolvency Regulations.
- ***Western Bulk v Carbofer*** [2012] EWHC 1224 (Comm), [2012] 2 Lloyd's Rep 163, [2012] 2 All ER (Comm) 1140: Acting for a creditor of an insolvent Swiss commodity trader in proceedings to enforce a lien on sub-hires against parties further down a chain of charterparties.

Academic

Awards

Stonyhurst Major Scholarship,
Lizette Bentwich Law Prize,
Ver Heyden de Lancey Prize,
Trinity College Cambridge Graduate Studentship,
Henry Hollond Travelling Scholarship,
Cornell International Law Journal

Ranking



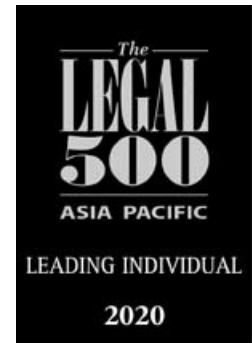
Thomas Macey-Dare KC



Thomas Macey-Dare QC



Thomas Macey-Dare QC



Other qualifications

Attorney & Counselor at Law, New York,
Registered Foreign Lawyer, Singapore Int'l Commercial Court,
Middle Temple Advocacy Trainer

Publications

Comparative Analysis of Interim Measures – Interim Remedies (England & Wales) v Preservation Measures (China) (2022)
Marsden & Gault on Collisions at Sea, 14th Ed (2016)
Atkin's Court Forms: Arbitration (1998-2016)
Butterworth's Commercial Court & Arbitration Pleadings (2005)
Atkin's Court Forms: Insurance (1996)
Monarch Airlines & the EU Slots Regulation, Int'l Corporate Rescue Vol 15(4) (2016)
OTC Forward Freight Agreements, Shipping & Transport Int'l Vol 9(2) (2012)

Presentations

The impact of Brexit on London as a shipping dispute resolution centre; constituting limitation funds; Chabra / Cardile freezing injunctions; carriage of goods by sea; time charters; voyage charters; liability for marine casualties

Memberships

COMBAR, LCLCBA, NYSBA

Languages

French (working knowledge)

German (basic)

Personal

Married with 4 children; lives in Dulwich

Interests

Music, sport and reading