



Benjamin Coffe

Called: 2008

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Ben has a busy practice focused on shipping, insurance and commodities. He is recognised by the market as a stand-out junior and is ranked in Tier 1 by both Chambers & Partners (Shipping) and the Legal 500 (Shipping & Commodities).

He was named Shipping Junior of the Year 2019 at the Chambers & Partners Bar Awards and was shortlisted in 2020 (Legal 500), 2022 (Chambers & Partners) and 2023 (Chambers & Partners). He is also recognised by the directories as a leading junior in Commodities and Insurance.

Ben is increasingly appointed as an arbitrator. He is a supporting member of the LMAA, and has been appointed in references under the LMAA Terms and the SIAC and SCMA Rules, as well as in ad hoc arbitration. In 2024, he became a member of the Baltic Exchange.

His significant recent cases include:

- ***The Thorco Lineage*** [2023] 2 Lloyd's Rep 338, acting for successful cargo interests in a case on the operation of Article IV.5 of the Hague-Visby Rules.
- ***The ZouZou*** [2022] 2 Lloyd's Rep. 1, successfully resisting a \$70 million claim under a policy of mortgagees' indemnity insurance;
- ***The CMA CGM Libra*** [2021] UKSC 51, acting for the successful respondents in the Supreme Court's authoritative analysis of unseaworthiness and the carrier's non-delegable obligation to exercise due diligence;
- ***Volcafe v. CSAV*** [2019] AC 358, in which the Supreme Court addressed the inherent vice defence and the burden of proof in cargo claims (for the successful appellants);
- ***Holyhead Marina v. Farrer*** [2022] 1 Lloyd's Rep. 463, in a Court of Appeal decision as to whether the owner of a dock or marina can limit liability for damage to ships and other property (for the successful Marina owners);
- ***The BSLE Sunrise*** [2020] 1 Lloyd's Rep 355, confirming that the "actionable fault" defence under Rule D of the York Antwerp Rules is available to the issuer of a general average guarantee (for the successful cargo interests);
- ***The Lady M*** [2019] 2 Lloyd's Rep. 109 (Court of Appeal), the first modern decision on the meaning of 'barratry' and its effect on the defences under the Hague Rules;
- ***The Maersk Tangier*** [2018] 2 Lloyd's Rep 59 (Court of Appeal), the leading English case on package limitation for containerised cargoes under the Hague-Visby Rules (for the successful cargo interests);
- ***The Aqasia*** [2018] 1 Lloyd's Rep 530 (Court of Appeal), settling a 90-year dispute as to whether Article IV.5 applies to bulk cargoes (for the successful respondents).

What the directories say

- *"Brilliant at legal analysis, brilliant at strategy, and brilliant on his feet."* (Legal 500, 2024)
- *"Ben is a first-class communicator. His written and oral advice is clear, straightforward, and easy to digest. Ben has a great ability to understand and get to grips with complex matters and issues quickly, and he always delivers considered and commercial advice. He is the go-to junior for marine insurance coverage work."* (Legal

500, 2024)

- *"Has an excellent perception of how the admiralty bench is likely to view a case. Presents clear arguments that are well received in court."*(Legal 500, 2024)
- *"It is as though he missed the junior stage and immediately possessed the knowledge and gravitas of a senior barrister."*(Chambers UK, 2023)
- *"Ben is very bright and user-friendly."*(Chambers UK, 2023)
- *"Benjamin is an expert in unseaworthiness."*(Chambers UK, 2023)
- *"Ben is a very thorough and strategic thinking barrister. His drafting skills and attention to detail are excellent, and he can hold his own against a KC."*(Legal 500, 2023)
- *"Very considered and a reliable pair of hands, he is responsive, user friendly, approachable and good with clients."*(Legal 500, 2023)
- *"Benjamin Coffey is really clear-sighted, strategic, pragmatic, commercially aware and extremely thorough in his advice."*(Chambers UK, 2022)
- *"Ben has a very good instinct for the merits of a case. He is able to quickly cut through complex legal issues and suggest a pragmatic way forward."*(Chambers UK, 2022)
- *"He is able to get to grips with the key issues and produce work very quickly. He is strong in all areas, with excellent drafting and advocacy skills."*(Legal 500, 2022)
- *"One of the best advocates I have seen."*(Legal 500, 2022)
- *"He has an ability to cut straight to the point in clear terms and provides sound advice from both a legal and tactical perspective."*(Legal 500, 2022)
- *"He has a very sound technical knowledge about the commodities trading industry."*(Legal 500 Asia Pacific, 2021)
- *"Ben Coffey has extensive case law knowledge and an in-depth understanding of marine law. He is very responsive and able to provide swift answers to urgent enquiries."*(Chambers UK, 2021)
- *"He is a sound opponent and sensible to deal with."*(Chambers UK, 2021)
- *"He is always impressive."*(Legal 500, 2021)
- *"He has a very sound technical knowledge about the commodities trading industry."*(Legal 500, 2021)
- *"He is very calm and professional in his assessment, which conveys confidence and gravitas beyond his call."*(Chambers UK, 2020)
- *"He has a good analytical brain and provides clear legal advice, keeping in mind all the possible commercial outcomes."*(Chambers UK, 2020)
- *"He has the ability to simplify the trickiest of legal problems in a way that is readily understandable."*(Legal 500, 2020)
- *"His response times are exceptional and he has a calm and considered approach to urgent and legally difficult questions."*(Legal 500, 2020)
- *"He has amazing intellectual ability and a unique talent to simplify difficult problems to make them understandable."*(Legal 500 Asia Pacific, 2019)
- *"Intelligent, responsive and well versed in commodities cases, he is a favourite of leading law firms in the sector."*(Legal 500, 2019)
- *"A very bright and able junior." "Very user-friendly, extremely clever and able to see the commercial side of a dispute."*(Chambers UK, 2019)
- *"A rising star..."*(Legal 500, 2019)
- *"He is truly the standout rising star for shipping and trading disputes work."*(Chambers UK, 2018)
- *"The perfect package – highly intelligent, practical, fast and reliable..."*(Legal 500, 2017)

- *"He is the most user-friendly barrister I have ever encountered in all my years of practice."*(Chambers UK, 2018)
- *"He has an ability to simplify the trickiest of legal problems in a way that is readily understandable..."*(Legal 500, 2017)
- *"...highly praised as a "star of the future"...."*(Chambers UK, 2017)
- *"... user-friendly, extremely intelligent and always able to find a way through the knottiest of problems"*(Legal 500, 2017)
- *"He is the best junior I have come across in my career - he can get to grips with every legal question we have thrown at him."*(Chambers UK, 2017)
- *"I go to him because he can do everything."*(Chambers UK, 2017)
- *"....A "real rising star" with a flourishing practice in hard and soft commodity disputes and all types of charter party and bill of lading disputes."*(Chambers UK, 2016)
- *"... Very intelligent - someone who will go far..."*(Chambers UK, 2016)
- *"... Very responsive and always willing to take responsibility..."*(Chambers UK, 2016)

Commodities & International Trade

Ben acts in a wide range of hard and soft commodities disputes. He has particular experience of oil and gas, coal and steel, rice, sugar, grains, and oils and fats.

He regularly provides drafting, assistance and advice to solicitors and in-house counsel in connection with trade association arbitrations, and has experience of working closely in conjunction with trade representatives where direct legal representation is excluded by the relevant trade association rules.

Most of the cases in which Ben acts are confidential, but he recently appeared for the successful sellers in *Anron Bunkering v. Glencore Energy* [2023] EWHC 295 (Comm), an application to strike-out the buyer's restitutionary claim on the basis that it was time-barred.

Other illustrative cases include:

- A Commercial Court claim for damage to a cargo of reformatite said to have been caused by on-board blending;
- A claim in GAFTA arbitration for US\$8 million arising out of the presence of dioxins in a cargo of rapeseeds;
- A SIAC arbitration as to the application of the "force majeure" provisions in a contract for the sale of coal where shipment was said to have been prevented by flooding at the sellers' mine;
- A dispute as to what constitutes a "claim on quality and/or condition" for the purposes of the time-bar in the FOSFA Rules of Arbitration;
- A FOSFA arbitration concerning the measure of damages for failure to deliver a cargo purchased on FOB terms within the contractual shipment period.

Shipping

Dry Shipping

Ben undertakes the full spectrum of shipping work, including every species of charterparty and bill of lading claim, as well as shipbuilding and ship finance disputes.

He has developed a particular specialism in cases involving carriage of goods under the Hague and Hague-Visby Rules, and has appeared in many of the leading decisions on the rules in recent years, including *Volcafe v. CSAV* (Supreme Court), *The CMA CGM Libra* (Supreme Court); *The Thorco Lineage* (Sir Nigel Teare), *The Lady M* (CA), *The Maersk Tangier* (CA) and *The Aqasia* (CA).

Wet Shipping

Ben is instructed in claims concerning all aspects of the Admiralty jurisdiction, and is able to provide drafting and advisory assistance in relation to the law and practice of the Admiralty Court including limitation, arrest, orders for appraisalment and sale and priorities.

Illustrative cases include:

- *Holyhead Marina v. Farrer* [2021] EWCA Civ 1585, considering when the owner of a dock or marina can limit liability for damage to ships and other property (Court of Appeal);
- *The BSLE Sunrise* [2020] 1 Lloyd's Rep 355, confirming that the "actionable fault" defence under Rule D of the York Antwerp Rules is available to the issuer of a general average guarantee;
- *The Gravity Highway and The Maritime Maisie* [2020] EWHC 1697 (Comm) (quantum reference in a collision claim);
- *Al Khattiya c/w Jag Laadki* [2018] EWHC 389 (Admlty), which concerns the significance of the place of a collision in a forum non conveniens application;
- The sale pendente lite of the ship "MOST SKY";
- The constitution of a limitation fund for the fishing vessel "B462 VIDAR";
- *The SAMCO EUROPE and MSC PRESTIGE* [2011] 2 Lloyd's Rep 579, a collision liability action between a container vessel and a VLCC in the Gulf of Aden.

Insurance

Ben acts in a wide variety of insurance and reinsurance disputes, marine and non-marine and is ranked as a Leading Junior for insurance in the Legal 500.

His recent cases include:

- *The ZouZou* [2022] EWHC 1169 (Comm), successfully resisting a \$70 million claim under a policy of mortgagees' indemnity insurance;
- Acting for certain hull all risk reinsurers on operator policies in the Russian aircraft litigation;
- A Bermuda form arbitration arising out of the "DEEPWATER HORIZON" oil spill;
- Representing insurers in a claim for US\$ 20 million arising out of the theft of sugar from a warehouse in Ghana;
- A dispute concerning coverage for pollution clean-up costs following a marine casualty;
- *KX Reinsurance v. Kapsokolis* [2017] 3 WLUK 2018, concerning enforcement of a Greek judgment in England and Wales;
- *Axa v. Arab Insurance Group* [2016] Lloyd's Rep IR 1, a dispute following the purported avoidance of quota share reinsurance;
- Acting for the reinsurers of a cargo of gasoline alleged to have been damaged during carriage by sea;
- Representing the CIF buyers of rice stolen from a warehouse in Nigeria while under a collateral management agreement in their claim against insurers;
- A claim under E&O insurance arising out of an alleged breach of fiduciary duty / secret commission;
- A dispute as to whether reinsurers have agreed to contract out of section 10 of the Insurance Act 2015;
- *San Evans Maritime v. Aigaion Insurance* [2014] 1 Lloyd's Rep IR 462 (addressing the jurisprudential basis of 'follow the leader' clauses);
- *Beazley Underwriting v. Al Ahleia Insurance Company* [2013] 1 Lloyd's Rep IR 561 (concerning the operation of a claims control clause in a reinsurance contract).

International Arbitration

Many of the cases in which Ben is instructed as counsel are before international arbitral tribunals, and he is able to advise on all aspects of arbitration law and procedure. He is also increasingly active as an arbitrator.

Ben has experience of arbitration under the rules of a number of different international organisations including the LMAA, the LCIA, the ICC, the SIAC, FOSFA and GAFTA. He has recently acted in a number of cases concerning the jurisdiction of arbitral tribunals.

Illustrative cases include:

- A challenge before the tribunal (under s. 30 of the 1996 Act) considering whether a bailee can be bound by an arbitration agreement to which he is not a party, by virtue of a sub-bailment on terms (with Robert Thomas QC);
- An arbitration considering the correct approach to be taken where the parties have entered into several different contracts containing different dispute resolution provisions;
- A challenge to the jurisdiction of a tribunal appointed by reference to an arbitration clause in a bill of lading which has subsequently been replaced by a substitute bill;
- *Beijing Jianlong Heavy Industry Group v Golden Ocean Group Limited* [2013] 2 Lloyd's Rep 61 an application to

the Commercial Court challenging the jurisdiction of an arbitral tribunal on the basis that the arbitration agreement was void for illegality under the principle in *Foster v. Driscoll* [1929] 1 KB 470 (with Simon Rainey QC).

Commercial Dispute Resolution

Ben is instructed to appear in commercial disputes of all shapes and sizes. He has acted in disputes concerning the rights and duties of fiduciaries, warranty claims arising under share purchase agreements, and claims arising out of invoice factoring and the negotiation of bills of exchange.

For example, in *Talos Capital Limited v. JCS Investment Holding XIV Ltd* [2014] EWHC 3977, Ben and Guy Blackwood QC appeared for the successful claimants in their application for an anti-suit injunction to restrain foreign proceedings on the ground that they were vexatious and oppressive.

In *LNOC Ltd v. Watford Association Football Club Limited* [2013] EWHC 3615 (Comm), Ben appeared with Jonathan Davies-Jones QC in a dispute as to the authority of a director to bind a Championship football club under the Companies Act 2006.

Academic

B.A. in English Literature, St John's College, Oxford (First Class)

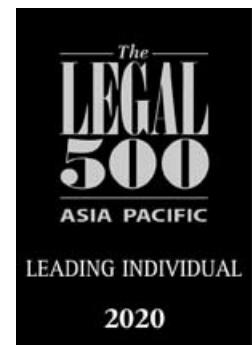
Graduate Diploma in Law, College of Law (Distinction)

Bar Vocational Course, Inns of Court School of Law (Outstanding)

Awards

Middle Temple Queen Mother Scholarship, Harmsworth Exhibition and Certificate of Honour

Ranking



Publications

"Slicing the reinsurance pizza", L.L.I.D. 2013, May 30, 7

"Mystery solved on follow the settlements", L.L.I.D. 2014, Aug 14, 4

Memberships

Baltic Exchange, London: Member

LMAA Supporting Member

COMBAR

LCIA Young International Arbitration Group