



Charles Priday

Call: 1982

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“One of the top 100 at the English Bar” Shipping junior of the year 2014 “A match for any silk.”

Legal 500

Practice Profile

Charles Priday was the recipient of the Shipping Junior of the Year award at the Chambers Bar Awards 2014. He has also been voted one of the top 100 juniors at the UK Bar, out of more than 10,000.

Charles Priday specialises in all areas of commercial law, with a particular emphasis on shipping, shipbuilding, sale and carriage of goods, insurance, all aspects of international trade including banking, as well as general contractual disputes. He undertakes advisory work, including advising commercial clients on a direct access basis. He appears as advocate in arbitrations (both domestic and international) and before the High Court, Court of Appeal and Supreme Court (House of Lords). Charles Priday also accepts appointment as arbitrator, particularly in London Maritime Arbitrators Association disputes. He is a supporting member of the LMAA and a former secretary to the Commercial Bar Association.

Aviation

Charles Priday advises on and litigates aviation disputes, often in connection with the Warsaw (and related) Conventions.

Selected cases:

- ***Quantum Corporation v Plane Trucking*** [2001] 2 Lloyd’s Rep. 133. Commercial Court decision on interrelationship of CMR and Warsaw Conventions (subsequently in the Court of Appeal at [2002] 2 Lloyd’s Rep. 25).

Banking & Finance

Charles Priday regularly advises on issues arising in the banking and financial sectors.

Selected cases:

- Unreported Commercial court decision on the UCP and the requirement for “original” documents.
- Substantial international banking dispute involving foreign State and numerous banks, concerning fraudulent telex payment instructions; case settled during trial.
- **Tufton Associates v Dilmun** [1992] 1 Lloyd’s Rep. 71; Commercial Court decision on ship-finance dispute: acted for successful Plaintiffs.

Commodities

Charles Priday is in the highest rank of Leading Juniors in Commodities (Legal 500 2009). He not only acts as advocate in arbitrations and Court proceedings concerning commodities, but he also provides advisory and drafting services; he has drafted the standard terms of sale of an oil major, as well as terms of business for the second largest conglomerate in South Korea.

Selected cases:

- Substantial international arbitrations concerning (a) the effect of European Community regulations on the world banana trade and (b) a major oil/sugar barter contract involving a foreign state-owned trading organisation.

General Commercial Disputes

Charles Priday advises and acts as advocate in a broad spectrum of commercial disputes.

Injunctions & Arrests

Charles Priday regularly handles disputes involving consideration of injunctions, both substantive and to restrain foreign proceedings, also freezing orders. These disputes often involve complex jurisdictional issues and the application of European Conventions.

Selected cases:

- **The Maciej Rataj** [1992] 2 Lloyd’s Rep. 552. Important Court of Appeal (later European Court) decision on 1968 Brussels Convention on ‘lis alibi pendens’.
- **The Deichland** [1988] 2 Lloyd’s Rep. 454. Leading case on the application of Civil Jurisdiction and Judgment Act 1982 and the 1968 Brussels Convention to Admiralty proceedings.
- **ST Shipping v Vyzantio Shipping** [2005] 1 Lloyd’s Rep. 531. Classic jurisdiction dispute in Commercial Court.

Insurance & Reinsurance

Charles Priday regularly advises on insurance issues, particularly in relation to marine insurance of vessels, yachts and cargoes. He regularly advises on the effect and enforcement of P&I Club Rules. He has been involved in the drafting of the Rules of a major international P&I Club. He advises and litigates in other fields of insurance, for example 'cash in transit' and liability cover.

Selected cases:

- ***Marc Rich -v- Portman*** [1997] 1 Lloyd's Rep. 225: Court of Appeal decision on Charterers' Liability Insurance, non-disclosure of loss history, duty of utmost good faith; acted for successful Lloyd's underwriters.
- ***Roadworks -v- Charman*** [1994] 2 Lloyd's Rep. 99: leading Commercial Court decision on the effect of the Leading Underwriter Clause; acted for the Defendant underwriters.

International Arbitration

Many, if not most, of Charles Priday's recent cases have been in arbitration. He undertakes both LMAA, domestic and international arbitration work, as well as frequently conducting appeals and challenges under the Arbitration Act 1996. He advises regularly on international dispute resolution.

Selected cases:

- Many disputes arising out of recent collapse in shipping market.
- Substantial time charter dispute on liability for groundings in the Mississippi.
- Substantial shipbuilding dispute requiring expedited arbitration procedure.
- Multi-vessel shipbuilding disputes.
- Disputes concerning hold cleaning, hull fouling, engine/machinery breakdowns and bunker quality.
- Multi-million dollar disputes concerning the quantification of damages for breach of charter and breach of shipbuilding contracts.
- Substantial and long-running dispute concerning multiple defects in a cruise liner.
- Substantial international arbitrations concerning (a) the effect of European Community regulations on the world banana trade and (b) a major oil/sugar barter contract involving a foreign state-owned trading organisation.

Jurisdiction/Conflicts of Laws

Charles Priday regularly advises on and litigates issues of jurisdiction and conflicts of laws.

Selected cases:

- ***British American Tobacco v Exel and others*** [2014] 1 WLR 4526. Court of Appeal and Supreme Court decision on CMR jurisdiction for claims against multiple carriers, involving issues on the Judgments Regulation and the relationship between jurisdiction conventions.
- ***The Maciej Rataj*** [1992] 2 Lloyd's Rep. 552 Important Court of Appeal (later European Court) decision on 1968 Brussels Convention on 'lis alibi pendens'.
- ***The Deichland*** [1988] 2 Lloyd's Rep. 454. Leading case on the application of Civil Jurisdiction and Judgment Act 1982 and the 1968 Brussels Convention to Admiralty proceedings.
- ***ST Shipping v Vyzantio Shipping*** [2005] 1 Lloyd's Rep. 531. Classic jurisdiction dispute in Commercial Court.

Shipping & Transport

Charles Friday was the recipient of the Shipping Junior of the Year award at the Chambers Bar Awards 2014. *"In a league of his own,"* Charles Friday is an outstanding junior with immense experience of shipping disputes. He is widely rated for his advocacy skills. As one impressed interviewee reports, *"when you watch him in court, you just sit back and know there is magic happening."* Over the past year, he has acted in many arbitrations specifically regarding time charter and shipbuilding disputes. (Chambers UK 2012) Charles Friday is in the highest rank of Leading Juniors in Shipping (Legal 500 2009). *"Well respected"* Charles Friday *"is a very well-known advocate who can turn his hand to any kind of shipping work at all"* (Chambers & Partners 2010). In addition to advocacy at all levels, Charles Friday provides advice and assistance in every kind of shipping dispute, spanning carriage of goods and charterparty cases, shipbuilding, ship sales, groundings and collisions. He will assist in drafting and contractual negotiation; for example, he has been involved in the drafting of the Rules of a major international P&I Club and the standard terms of sale of an oil major. Charles often provides expert evidence on English shipping law for foreign proceedings.

Selected cases:

- ***Maestro Bulk v COSCO*** [2015] 1 Lloyd's Rep 315. Acted for the successful appellants in this Commercial Court decision on redelivery notices and damages.
- ***DGM Commodities Corp -v- Sea Metropolian SA (The "Andra")*** [2012] 2 Lloyd's Rep 587. Successful claim for detention of vessel ANDRA in St Petersburg as a result of unjustified US\$ 2 million claim for cargo damage.
- ***Bulk Ship Union SA -v- Clipper Bulk Shipping Ltd (The "Pearl C")*** [2012] 2 Lloyd's Rep. 533. Counsel successfully resisting appeal against arbitration award, raising important issues on (1) off-hire under time charters (2) serious irregularity under Arbitration Act 1996 (3) interest claims under Late Payment of Commercial Debts (Interest) Act 1998.
- ***Occidental Chartering Inc -v- Progress Bulk Carriers Ltd (The "Chada Naree")*** [2012] 862 LMLN 2. Successful

appeal against arbitration award dismissing claims under a chain of charters. Raised issues of interpretation of awards.

- ***Glory Wealth Shipping Pte Ltd v Korea Line Corporation (The “Wren”)*** [2011] 2 Lloyd’s Rep. 370 [2011] EWHC 1819 (Comm). Charles Friday acted for the appellant charterers in this successful appeal to the Commercial Court from an arbitration award. Time Charterparty – Charterers’ premature redelivery – assessment of damages in circumstances where no available market at date of termination.
- ***Imt Shipping and Chartering GMBH v Chansung Shipping Co Ltd (The “Zenovia”)*** [2009] 2 Lloyd’s Rep. 139. Commercial Court decision on the effect of redelivery notices under time charters.
- ***Golden President Shipping Corporation v Bocimar NV (The “Channel Alliance”)*** [2008] 1 Lloyd’s Rep. 428. Commercial Court decision on the effect of a time charter profit-sharing clause.
- ***Papera Traders Co. Ltd. and Others v Hyundai Merchant Marine Co. Ltd. and Another (The “Eurasian Dream”)*** [2002] 1 Lloyd’s Rep. 719. Leading case on liability for fire on board ships and on issues of unseaworthiness.
- ***A/S Iverans Rederi v KGMS Holstencruiser (The Holstencruiser)*** [1992] 2 Lloyd’s Rep.378 Leading case on the effect of the New York Produce Exchange Inter Club Agreement
- ***Oceanfocus Shipping v Hyundai MM (The Hawk)*** [1999] 1 Lloyd’s Rep.176 Leading case on the effect of the New York Produce Exchange Inter Club Agreement
- ***Galaxy Energy v Novorossoysk Shipping (The Petr Shmidt)*** [1998] 2 Lloyd’s Rep 1 : Court of Appeal decision on the law of laytime and the effect of “office hours” clauses.
- ***Ta Shipping v Comet Shipping (The Agamemnon)*** [1998] 1 Lloyd’s Rep. 675 : leading decision on the invalidity of “inchoate” Notices of Readiness.
- ***Bulk Transport Group v Seacrystal Shipping (The Kyzicos)*** [1989] 1 Lloyd’s Rep. 1. House of Lords decision, leading case on commencement of laytime.
- “ERIKA” Litigation in connection with a pollution disaster.

Recent Arbitrations:

- Arbitration concerning allegedly defective bunkers supplied under a time charter
- Substantial shipbuilding dispute concerning back-dating of contract and issues of illegality.
- Arbitration concerning the capsizing of a major container carrier.

- Many disputes arising out of recent collapse in shipping market, often concerning issues of damages.
 - Substantial time charter dispute on liability for groundings in the Mississippi.
 - Substantial shipbuilding dispute requiring expedited arbitration procedure.
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Education

BA Oxon (double First). Scholar of University College Oxford. Middle Temple exhibitor. Languages: French

Directories

Chambers Bar Awards 2014 - Shipping Junior of the Year

Chambers 100 UK Bar:

Charles Priday is in the top 100 members of the UK Bar (based upon research with solicitors and clients)

A favourite of the majority of the leading shipping firms, Charles Priday is particularly good on charter party disputes and cargo claims. He recently acted for Glory Wealth Shipping in an arbitration concerning repudiation of a time charter, and was successful on behalf of Sea Metropolitan in a case concerning an unjustified 2 million claim for cargo damage. First and foremost, a lawyer who "goes out of his way to be helpful," he "has a complete command of the law and first class judgment."

The Legal 500:

- 'He focuses on the details and provides a careful analysis of cases.'
- 'He is an all-round stellar counsel.'
- 'Very careful, detailed and accurate in his analysis of issues.'
- 'He is an all-round stellar counsel.'
- 'Very astute and has a huge amount of knowledge.'
- 'A highly experienced shipping barrister who is courteous and never panics.'
- Very thorough and conscientious.
- He has first-class judgement and a thorough command of the law.
- "An excellent performer on his feet with a collaborative approach."

- “Thorough, conscientious and consistently excellent in commodities disputes.”
- Charles Priday “is ‘absolutely first rate’ and is rated for his authority and experience”
- Charles Priday is in the highest rank of Leading Juniors in Shipping.
- Charles Priday is in the highest rank of Leading Juniors in Commodities.
- “He is extremely good on his feet and outshines the opposition.”
- “He is calm under pressure and can come up with persuasive arguments when it looks like we are in a pickle.”
- “He’s excellent on his feet,” and “he’s not afraid to point out the difficulties in a case to his instructing solicitor.”

Chambers & Partners:

Charles Priday is in the highest division of shipping juniors.

- “Priday gives fantastic advice and is the man to go to for LMAA arbitrations.” “He is very well regarded.”
- “He is unique; people treat him as though he were a silk.” “He is very clever and wonderful to listen to.”
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- “A highly experienced shipping barrister.” “User-friendly and thorough in his approach.”
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- “He is just fantastic. He is as good as any silk there is.” “He is great at shipping.”
- “He is ferociously hard-working and delivers excellent client service together with sound legal advice.” “He is enormously experienced and is very reliable and sensible in the advice that he gives.”
- “Excellent, user-friendly, hard-working and someone with a huge amount of common sense.” “He is really super, and a go-to person for difficult cases.”
- A highly accomplished and respected junior.
- Charles Priday is in the highest division of shipping juniors.
- A highly intelligent junior who practises at a standard akin to a QC. He is an experienced advocate who frequently acts in arbitrations.
- “He is very familiar with all shipping law, is excellent on his feet, and also produces a terrific written product. He is incredibly responsive - nothing is too much trouble - and it is a pleasure to work with somebody like him as he goes out of his way to be helpful and to get it right.”
- “In a league of his own,” Charles Priday is an outstanding junior with immense experience of shipping disputes. He is widely rated for his advocacy skills. As one impressed interviewee reports, “when you watch him in court, you just sit back and know there is magic happening.” Over the past year, he has acted in many arbitrations specifically regarding time charter and shipbuilding disputes. 2012
- “knows all the points in any given case” 2011
- “Well respected” Charles Priday “is a very well-known advocate who can turn his hand to any kind of shipping work at all” 2010
- He is “effectively regarded as a silk by most”. 2009

- “7KBW has “juniors of the calibre of Charles Priday [who] handles commercial maritime, sale of goods, commodities and international trade instructions.””
- “Popularly described as ‘one of the best of the bunch’, his ‘affable and easy-going demeanour’ is said to mask an ‘exceptionally sharp mind which can master all the evidence quickly.’” 2008
- Charles Priday “is a ‘very able practitioner and very pleasant to work with’. His practice covers all aspects of common law with a particular focus on shipping and international trade.” 2007

Who’s Who Legal

- The “junior of choice” - 2016
- “a superb junior whose expertise is second to none” - 2016