



John Bignall

Call: 1996

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Legal 500 2021

Practice Profile

John specialises in commercial law, in particular in the following areas: General Commercial Disputes, Insurance/Reinsurance, International Trade, Sale of Goods, Shipping, Carriage of Goods, Arbitration, Agency, Fraud, Professional Negligence (not medical). He has extensive experience of disputes concerning a wide range of commercial contracts. In the context of those disputes, he has dealt with a wide range of ancillary issues, including the jurisdiction of the court or arbitral tribunal, and various forms of injunctive relief. He has appeared as an advocate in the Court of Appeal, the Commercial Court, the Queen’s Bench and Chancery Divisions and in arbitration.

In relation to the practice of which a précis is given below, John has carried out tasks including: advising on merits, advising on evidence, drafting correspondence, drafting statements of case, drafting case management documentation, drafting witness statements, preparation of expert reports, review of disclosure and supervision of disclosure review teams, advice on disclosure (such as scope of searches, specific disclosure etc), identification of documentation for hearing bundles, drafting of skeleton arguments, appearing as advocate (both at interlocutory and final hearings), advising in relation to appeals from awards and judgments, drafting appeal documentation, appearing as advocate at appeal hearings, and advising on enforcement.

Shipping/Ship Construction

John has substantial experience in shipping and the international carriage of goods. He has been involved in numerous charterparty disputes involving issues of seaworthiness, cargoworthiness, cargo management, dangerous cargoes, refrigeration systems, speed and consumption claims, unsafe ports, off-hire clauses, force majeure, piracy, quarantine, questions of laytime and demurrage, stowaways, stevedore damage and General Average, as well as claims by cargo interests under bills of lading. He has very substantial experience in disputes relating to vessel construction, including construction of cargo vessels, yachts/superyachts and oil production platforms.

He also has considerable experience of the involvement of the Commercial Court in arbitration references. He has made a number of freezing injunction applications, both pre-reference and post-award. He has also made applications for anti-suit injunctions, Vasso orders, the enforcement of peremptory orders and the delivery up of documents by third parties, as well as appeals from arbitration awards.

Examples of cases in which he has been instructed include:

- ***Martrade Shipping and Transport GmbH v United Enterprises Corporation*** [2014] EWHC 1884 (Comm) [2014] 2 Lloyd's Rep 198 - appeal pursuant to section 69 of the Arbitration Act 1996 in respect of questions of law in relation to the operation of section 12(1) of the Late Payment of Commercial Debts (Interest) Act 1998 ('the 1998 Act') in the context of a trip charterparty.
- ***The Bulk Chile*** [2013] EWCA Civ 184 - a charterparty chain dispute concerning the right of the head shipowner to intercept freight from sub-sub-charterers and to remuneration after termination of the head charterparty during a laden voyage.
- ***Braspetro Oil Services v FPSO Construction Inc ('P38/P40')*** [2005] EWHC 1316 (Comm) and [2007] EWHC 1359 (Comm) - a dispute relating to the construction of an oil production platform and a floating storage vessel (Judgment obtained for approximately US\$350 million).
- Advice to a shipping company on the impact of EU sanctions imposed on Iran on longterm agreements for the charter and sale of 13 VLCCs to the National Iranian Tanker Company (issues included illegality, frustration, and the effect to be given to the terms of the contract).
- Various superyacht cases (in arbitration) concerning issues such as delay in construction/delivery and contractual compliance of the vessels as constructed.
- Various arbitration disputes in relation to cargo vessel construction (issues such as contractual construction, late delivery, compliance with specification, repudiation).
- ***Marimed Shipping Inc v Nanyuan Shipping Company Limited*** - application for a 'Vasso' order that the claimants' surveyor carry out certain inspections and tests on board a cargo vessel.
- Advice to various clients on the recoverability of piracy-related expenses under charterparties.
- Various charterparty disputes involving engine room fires.

Insurance & Reinsurance

ohn has considerable experience of advising in relation to questions of construction of insurance and reinsurance contracts, such as follow settlements clauses, coverage disputes, issues of nondisclosure and misrepresentation, questions

of proper law and jurisdiction, issues particular to marine insurance contracts, contribution claims among insurers, the principles and practice associated with the Third Parties (Rights against Insurers) Acts 1930 and 2010 and cases involving the professional negligence of brokers and underwriting agents. This experience covers a wide range of insurance contracts, including, for example D&O and professional indemnity policies, hull, war risk and other marine cover, aviation, casualty insurance, income protection insurance, kidnap and ransom insurance, political risk insurance, protection and indemnity insurance, builders' risk insurance, and treaty and proportional reinsurances.

Examples of cases in which he has been instructed include:

- ***Assicurazione Generali v CGU*** ([2004] EWCA 429, [2003] 2 All ER (Comm) 425) - a leading authority on the construction of 'follow settlements' clauses.the claims.
- ***Glencore v Alpina*** [2003] EWHC 2792 (Comm) - instructed for insurers in relation to the Metro litigation (concerning the alleged misappropriation of \$250 million of oil). Issues included misrepresentation/non-disclosure and policy construction.
- ***'Paramount 1' and 'Paramount 2'*** - film finance insurance litigation. I was instrumental in producing the draft amended statements of case that enabled underwriters to continue to defend
- ***Balli & PK AirFinance v Chartis and others*** - representing defendant aviation insurers in a US\$150 million claim relating to the misappropriation of 3 Boeing 747 aircraft.
- ***'North Star'*** - a claim under a war risks insurance policy in relation to the constructive total loss of a vessel on which an explosive charge had been placed, issues including misrepresentation/non-disclosure and whether the assured themselves were responsible for the explosion.
- Acting for Lloyd's syndicates in a substantial arbitration claim under whole account reinsurances.
- Advice to owners of cargo on an insurance claim arising from Somali pirate hijacking of an oil tanker.
- A claim on behalf of a financial institution under the 1930 Third Parties (Rights against Insurers) Act against solicitors' professional indemnity insurers arising out of losses incurred through transactions where funds advanced for the purchase of a particular properties were irrecoverable due to the fraudulent actions of a solicitor.

Conflict of Laws

Many of the cases in which John has been involved have involved issues of conflicts of laws.

Examples include:

- ***Teekay Tankers Ltd v STX Offshore & Shipping Co*** [2014] EWHC 3612 (Comm) - challenge to the jurisdiction

(effectiveness of service, forum non conveniens) in a ship construction dispute.

- **'Noto Gloria'** [2002] 1 All ER (Com) 627 - an application for the stay of arbitration proceedings involving a floating choice of law clause.
- **Vitol SA v Capri Maritime Ltd & ors** - an application for an anti-suit injunction in circumstances where a Rule B attachment had been obtained in the US at a without notice hearing on the basis of an assertion as to the 'alter ego' status of the company against which the attachment was obtained.

Commercial Litigation

John has extensive experience of a wide range of commercial disputes. Examples include:

- **Rosenberg v Vardinoyannis** - a partnership dispute arising in respect of the ownership of an aluminium smelter in Tajikistan.
- **Centrica plc v Medway Power Limited** - acting for the defendant in relation to a substantial claim under a long-term agreement for the supply of gas for alleged failure to deliver the contractually stipulated quantities.
- A dispute concerning the quantification of damages arising from the Buncefield explosion.
- **Grupo Torras v Al-Sabah** [1999] CLC 1469 - acting for a defendant in the trial over 4-5 months of a civil fraud claim for \$300 million stolen from a KIO subsidiary.

Education

IOLET Diploma in Translation (German to English; 2015; Distinction in Business paper)

Bar Vocational Course - Inns of Court School of Law (1995-1996) - (Outstanding, Everard ver Heyden Foundation Prize for Advocacy); Hardwicke and Droop Scholarships (Lincoln's Inn); Sir Thomas More Bursary (Lincoln's Inn). Called to the Bar in November 1996.

Diploma in Law - City University (1994-1995) - (Commendation)

BA Hons - Corpus Christi College Cambridge (1986-1989) - English (First) - Scholarship

Haberdashers' Aske's School for Boys, Elstree (1979-1986) – 11 'O' Levels; 3 'A' Levels (English A, German A, History A); 1 'S' Level (English, Merit).

Languages

German (fluent), French (working knowledge)

General Information

Professional and employment:

March-Dec 2016: Waterson Hicks, Ibex House, 42-47 Minories, London EC3N 1DY (boutique shipping law practice)

April 2015-Jan 2016: Weingut Rueff-Röchling, Weingasse 7, 56850 Enkirch, Germany

1996-2015: Barrister in private practice at 7 King's Bench Walk, Temple, London EC4Y 7DS, specialising in commercial law, in particular in the following areas: General Commercial Disputes, Insurance/Reinsurance, International Trade, Sale of Goods, Shipping, Carriage of Goods, Arbitration, Agency, Fraud, Professional Negligence (not medical). Appeared as an advocate in the Court of Appeal, the Commercial Court, the Queen's Bench and Chancery Divisions and in arbitration.

1992-1994: Royal Air Force (Musician)

1990-1991: Absolute Computing, Leavesden Road, Watford (sales/dispatch; part time)

1989-1990: Crosslee plc, Hipperholme, Halifax (management trainee)

Directories

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