



## Timothy Saloman QC

Silk: 1993 | Call: 1975

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**“..a brilliant mind”, “client-friendly”,  
“very thorough”, “excellent on his  
feet”**

## Practice Profile

Principal areas of practice: shipping contracts, insurance contracts (marine and non-marine), shipbuilding and sale contract disputes, and jurisdiction and injunction disputes.

Tim has extensive experience as an advocate in the UK and overseas courts, and before arbitration tribunals. He has been recognised as a leading practitioner in editions of *Chambers and Partners*, the *Legal 500*, *Who's Who Legal* and *Legal Experts*.

His practice has mainly comprised of shipping, shipbuilding, sale contract and insurance contract disputes; and jurisdiction and injunction disputes. With extensive knowledge of the fine art market, he also acts in art sale disputes.

### Shipping, Sale, and Shipbuilding Contracts

#### Selected cases

- (2018) LMAA oil rig building contract arbitration, instructed by Buyer against a Chinese shipyard in a contract termination dispute.
- (2016-2018) Court action concerning the sale of an Old Master painting between two leading fine art dealers involving allegations of misrepresentation; acting for the defendant seller in (ongoing) Court and mediation proceedings.
- (2015-2017) 3 x LMAA shipbuilding arbitrations. Acting in each for a Korean shipyard/the Builder/Seller in arbitrations 1 and 2. Successfully defended the Buyer's claims that the vessels had failed their respective sea trials and/or were undeliverable, this leading to the successful compromise of arbitration 3.
- (2012-2014) LMAA coal sale arbitration, acting for leading Swiss commodities trader/Buyer. Successfully sustained

Buyer's defence that the Colombian coal supplied was off spec and not as represented.

- (2010-2013) LMAA shipbuilding contract arbitration acting for Italian Buyers. Successfully defended the claim of a Turkish shipyard for the wrongful rejection of a newly built OBO vessel and sustained Buyer's case that it was undeliverable.
- ***Ocean Victory*** [2013] EWHC 2199 Acted for intermediate disponent owners in the Commercial Court in this leading unsafe port dispute.
- (2012-2013) LMAA shipping contract arbitration concerning a dispute between a leading European container group and a shipping company concerning a contract to export Australian wheat.
- ***Highland Crusader Offshore Partners v Deutsche Bank AG*** [2010] 1 WLR 1023 (CA) Acting for the appellant Texan companies in successfully reversing the Commercial Court's anti-suit injunction made against them in a sale/misrepresentation dispute. A leading CA authority on the effect of non-exclusive jurisdiction clauses.
- ***The Gaul***: Re-Opened Public Enquiry into the Loss of the Trawler "GAUL" (2005-2006). A major maritime disaster Enquiry which re-opened the 1974 Enquiry into the 1974 loss of this trawler in the Barendts Sea; acted as Counsel for the Families of the Crew.
- ***The David Agmashabeli*** (2001-2002) [2002] All ER 806 (Comm) Carriage of Goods by Sea Act 1971; damage to cargo. A leading case on the Master's duties as to the clausing of bills of lading.
- ***Derby Resources A.G. v Blue Corinth Marine Co - The Athenian Harmony*** [1998] 2 Lloyd's Rep 410 Principles for assessing compensation for loss of or damage to goods; and 425 principles for assessing interest where delay in prosecuting proceedings.
- ***Marc Rich v Portman*** [1996] 1 Lloyd's 430 (Comm Ct); [1997] 1 Lloyd's Rep 225 (CA) Acted for insurers defending claim for demurrage losses under Charterer's liability insurance. A leading case successfully defended claim on grounds of non-disclosure.
- ***The Rewia*** [1991] 1 Lloyd's Rep 69; [1991] 2 Lloyd's Rep 325 C.A Carriage by sea - issues of forum conveniens and the carrier's - principal place of business and whether to stay. TSQC successful before Com. Court but unsuccessful on appeal.
- ***Hyundai v Papadopoulos*** [1980] 2 Lloyd's Rep 1 (H.L.) Successfully acting for Builder/creditor in this leading authority concerning the guarantee of shipbuilding contracts.
- ***Jade v Robert Nicholas*** [1978] Q.B. 917 (C.A.) Successfully acting for the goods' seller in this leading authority on bills of exchange law.

## General Commercial Contract Litigation

### Selected cases:

- **Commerzbank AG v PLD Telecom** (2000) Litigation over option to purchase shares in Russian telecommunications company, contractual injunction in support of arbitration; confidentiality issues.
- **BCCI v Gokal litigation** (1999) Acting for one of the 3 Gokal brothers in litigation resisting claims to enforce guarantees.
- **Sierra Leone Telecommunications Co v Barclays Bank plc** [1998] 2 All ER 821 Where obtained declaration on behalf of the Government of Sierra Leone in exile that the military junta which had usurped power was not the government of Sierra Leone whether de facto or de jure and had no right to seize or operate the national telecommunications system.
- **The Balkanbank Litigation** [1995] 1 WLR 1057 (C.A.) (No. 1) and [1995] 1 WLR 1067 (C.A.) (No.2) Jurisdiction disputes: a leading CA authority on grant of worldwide asset-freezing relief in aid of foreign proceedings.

## Jurisdiction and Injunction Disputes

Many of the below sample cases in which TSQC has acted are leading ones in their fields:

- **Highland Crusader Offshore Partners v Deutsche Bank AG** [2009] EWCA Civ 725 T Acting for the successful appellants in this leading authority on the effect of non-exclusive jurisdiction clauses in parallel proceedings disputes.
- **Svenska Petroleum v Government of Lithuania** [2005] Proceedings to enforce ICC arbitration award against Lithuania.
- **Joanna V** [2003] App. L. Rev. 07/10 (Comm. Court) Enforcing arbitral award when it conflicted with an earlier Chinese Court judgment.
- **Sabah Shipyards v Islamic Republic of Pakistan** [2003] 2 Lloyd's Rep. 503 (C.A.) Where a claim by Pakistan to state immunity from TSQC's shipyard clients' English Court proceedings and from the latter's proceedings to injunct Pakistan from proceeding in its own courts were rejected by the Commercial Court and on appeal.
- **Balkanbank v Taher** [1995] 1 WLR 1057 (C.A.) (No. 1) A leading CA authority on grant of asset-freezing injunctions in aid of foreign proceedings; and (No. 2) [1995] 1 WLR 1067 (C.A.) on the undertaking in damages.
- **Re The Embassy of Iraq and Rafidain Bank** [1992] BCLC 301 Non-immunity of Iraqi Embassy bank accounts in winding-up.
- **Fal Bunkering v Grecale** [1990] 1 Lloyd's Rep 360 Whether LMAA terms effectively incorporated; whether tribunal

had the right to order security for costs.

- **A v B** [1984] 1 All ER 265 (Leggatt J) Whether HFW solicitors' lien on client documents was waived and lost by their arrest of their client's ship. TSQC's arguments failed, but with his advocate's tenacity being described by the Court as being "in the highest traditions of the English Bar".
- **Alcom v Republic of Colombia** [1984] A.C. 580; H.L. Immunity of Republic of Colombia's Embassy bank account from garnishee proceedings.
- **I Congreso Del Partido** [1983] A.C. 244; H.L. Disputing ship arrests on state immunity grounds, in Comm. Ct., CA and HL.
- **Emmanuel Colocotronis** [1982] 1 WLR 1096 Incorporation of arbitration clause into a bill of lading contract.
- **The Saudi Prince No. 1** [1982] 2 Lloyd's Rep. 255 Disputed ship arrest, veil-piercing.
- **The Aventicum** [1978] 2 Lloyd's Rep. 184. Disputed ship arrest/Admiralty jurisdiction.

## Insurance

In this field, too, many of the cases below in which Mr Saloman has acted are leading ones in the relevant field:

- **Beursgracht** [2002] 1 Lloyd's Rep 574 (CA) An important case on the insurer's and assured's rights and obligations under marine open cover insurance.
- **Marc Rich (renamed Glencore) v Portman** [1996] 1 Lloyd's Rep. 430 (Longmore J.) and [1997] 1 Lloyd's Rep 225 (C.A) A leading case on the requirements of materiality and inducement in the field of liability insurance.
- **Yona International v La Reunion Francaise** (1995-1996): Expropriation of a Liberian timber concession, claims under a Lloyd's C.E.N.D. policy, Commercial Court.
- **Owners of vessel Zeus v Bimeh Iran Insurance Co. Ltd** (1996) Marine insurance case arising from missile damage, Commercial Court.
- **Pan Atlantic Insurance Co. Ltd v Pine Top Insurance Co. Ltd** [1992] Lloyd's Rep 101; [1993] 1 Lloyd's Rep . 496, C.A.; [1995] 1 A.C. 501 (H.L.) The leading modern English case on non-disclosure and misrepresentation inducing insurance contracts.
- **Bucks Printing Press v Prudential Assurance** [1994] 3 Re.L.R. 219 Non-disclosure, and the differentiating fraudulent and reckless statements.
- **Harbour Assurance Co (UK) v Kansa General International Ins.Co.** [1993] QB 701 Concerning an arbitrator's

jurisdiction to decide illegality issues, a leading case on the severability of arbitration clauses.

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## Education

1964-1968: Charterhouse 1969-1973: Lincoln College Oxford, Open Scholar Classics. Hon. Mods. Classics (1971), B.A. - Jurisprudence (1973) Oxon. 1973-1974: French Government Scholar at University of Aix-Marseille (French/ European law).

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## Appointments

June 1976: Commenced practice at the Bar. March 1993: Appointed Queen's Counsel. May 2003: Elected Master of the Bench of the Honourable Society of the Middle Temple. Recorder of the Crown Court.

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## Directories

- Timothy Saloman QC has been ranked in recent editions of Chambers and Partners and the Legal 500:
- 'Capable, knowledgeable and experienced.'
- "Exceptional counsel." "Gets into the meat and drink of the matter and is good on the detail."
- "He is very available and will always be there for you." "Excellent; one of London's very best in respect to the shipbuilding area. The way he prepared was very impressive."
- "Great on the details."
- "He is very passionate, committed, strategic and thoughtful. He is almost always contactable and provides prompt advice."
- ".. a brilliant mind", "client-friendly", "very thorough" and "excellent on his feet."
- "a very straight-talking, no-nonsense barrister who can be aggressive when needed."