

Dave Barnard

Call: 2022 (BVI, 2024)



✉ dbarnard@7kbw.co.uk ☎ +44 (0)20 7910 8300

Dave Barnard has a busy practice spanning all of Chambers' areas of practice, including commercial litigation, insurance and reinsurance, shipping, aviation, commodities, civil fraud, and professional negligence. Dave has a keen interest in shipping and insurance; he became an Associate of the [Association of Average Adjusters](#) in 2022, following his completion of exams concerning the Marine Insurance Act 1906 and the Insurance Act 2015.

Dave is regularly instructed as sole counsel, and he has appeared alone in the High Court and in the County Court on numerous occasions. He particularly enjoys instructions which seek injunctive or other interim relief; he has previously been involved proceedings concerning freezing orders, third-party costs orders, various forms of disclosure orders, and mandatory injunctions.

Dave is a member of the Bar of the British Virgin Islands.

Dave's current and recent instructions include:

- Acted as junior counsel for the successful Buyers in the Supreme Court, and in the High Court and Court of Appeal, in **King Crude SA v Ridgebury November LLC** [2023] EWHC 3220 (Comm); [2024] EWCA Civ 719; [2025] UKSC 39. The case was described by the Court at hand-down as "*a relatively rare case*" raising a "*fundamental and long-debated point of principle in the English law of contract*". Dave orally argued procedural issues before the Supreme Court.
- **A v B** (Commercial Court): Acted (as sole counsel) for the successful respondents to applications for mandatory injunctions in support of arbitral proceedings, which were sought under section 44(2)(e) of the Arbitration Act 1996. After a 1-day hearing, the Court refused to grant any relief.
- **Aon v Howden & Ors** [2025] EWHC 1148 (KB): Acted (led by Michael Holmes KC) for the successful Twelfth Defendant in his challenge to the Court's jurisdiction to hear a multi-million-dollar fraud and conspiracy claim. Dave appeared alone at various hearings throughout the proceedings, e.g. [2025] EWHC 1084 (KB).
- **The "SY Explorer"** [2025] EWHC 1148 (KB): Acted (as sole counsel) in a challenge to the Admiralty Court's *in rem* jurisdiction based upon ss. 20, 21 of the Senior Courts Act 1981.

Prior to joining Chambers, Dave read law at the University of Nottingham, where he achieved a First, and studied for a year at the University of British Columbia, Vancouver. During his year in Vancouver, Dave acted *pro bono* for various clients in the provincial and criminal courts in British Columbia. In the year prior to pupillage, Dave worked in the shipping litigation department at a major international law firm, during which he worked on a wide range of shipping and commodities disputes, including the expedited trial,

appeal, and third-party costs order in *The “Amethyst” and “Courage”* [2022] EWHC 452 (Comm); [2022] EWCA Civ 1091 (trial and appeal); [2022] EWHC 2696 (Comm) (third-party costs order).

Expertise

Commercial Litigation

Dave accepts instructions in all areas of commercial law. Dave’s practice includes aviation, civil fraud, energy and natural resources, injunctions, insurance and reinsurance, international arbitration, jurisdiction and conflict of laws, commodities, and shipping. Examples of recent cases include:

- **King Crude SA v Ridgebury November LLC** [2023] EWHC 3220 (Comm); [2024] EWCA Civ 719; [2025] UKSC 39. Acted (as junior counsel) for vessel purchasers in the High Court, in the Court of Appeal, and recently in the Supreme Court, in which Dave orally argued some issues. Dave’s clients succeeded on appeal in the Supreme Court.
- **Aon v Howden & Ors** [2025] EWHC 1148 (KB): Acted (led by Michael Holmes KC) for the successful Twelfth Defendant in his challenge to the Court’s jurisdiction to hear a multi-million-dollar fraud and conspiracy claim arising from alleged unlawful recruitment of former Aon employees by Howden and its officers, with the Twelfth Defendant the alleged ‘recruiting sergeant’. Dave appeared alone at various hearings throughout the proceedings, g. [2025] EWHC 1084 (KB).
- **A v B** (Commercial Court): Acted (as sole counsel) for the successful respondents to applications for mandatory injunctions under section 44 of the Arbitration Act 1996.
- Acted as junior counsel in multi-million-dollar international litigation arising from a shareholder dispute, including an LCIA arbitration.
- Instructed as junior counsel in an ongoing arbitration concerning the insurance policy for a satellite lost in space.
- Regularly instructed (often as sole counsel) in LMAA arbitrations arising from shipping and commodities disputes.

Shipping & Transport

Dave has a strong shipping practice, both as sole counsel and as a junior. Dave often advises on typical shipping and charterparty issues, including cargo claims and liability in bailment, overperformance, demurrage, and freight and hire disputes. Examples of recent instructions include:

- **King Crude SA v Ridgebury November LLC** [2023] EWHC 3220 (Comm); [2024] EWCA Civ 719; [2025] UKSC 39. Acted (as junior counsel) for the Buyers at all stages of appeal under sections 68 and 69 of the Arbitration Act 1996, including in the Supreme Court, which held in favour of Dave’s clients. The dispute concerned three Memoranda of Agreement for vessels on amended Norwegian Saleform terms, which the Buyers had breached by failing to supply documents to enable an escrow account for the deposit to be opened. The key issue before the Supreme Court was whether the Sellers’ proper remedy is in damages, based upon ordinary principles, or in debt, for the value of the deposit. The Supreme Court held that the Sellers had no claim in debt and were restricted to a claim in damages. Dave orally argued procedural issues before the Supreme Court.
- **A v B** (Commercial Court): Acted (as sole counsel) for the successful respondents to applications for mandatory injunctions

requiring the purchase of a vessel following an alleged breach of a non-resale covenant contained in an amended Memorandum of Agreement. After a 1-day trial, the Court refused to grant relief.

- **The “SY Explorer** [2025] EWHC 1148 (KB): Acted (as sole counsel) in a challenge to the Admiralty Court’s *in rem* jurisdiction based upon ss. 20, 21 of the Senior Courts Act 1981.
- Sole counsel in an arbitral reference concerning an interim port claim/cargo contamination counterclaim with a preliminary issue as to the applicability of a time bar clause, in which Dave’s clients were successful.
- Interpleader proceedings in the Commercial Court arising out of a dispute as to provisions concerning the payment of hire in a charterparty.
- Advising on various general average disputes, including following the decision of the High Court in **The “Star Antares”**.

Prior to pupillage, Dave worked in the shipping litigation team at an international law firm, during which Dave experienced a wide range of wet and dry shipping disputes. Dave was heavily involved in the expedited Commercial Court trial and the expedited appeal in **The “Amethyst” and “Courage”** [2022] EWHC 452 (Comm); [2022] EWCA Civ 1091. Dave also advised on numerous wet and dry shipping disputes, which concerned (for example) charterparty construction, the Inter-Club Agreement, disputes involving charterparty chains, cargo claims, and the applicability of various forms of war clauses in charterparties (including the BIMCO War Risk Clause and variants thereof).

At university, Dave scored the highest in his year in Maritime Law, and Dave wrote a dissertation about general average with a focus on the Supreme Court’s decision in **The “Longchamp”** [2017] UKSC 68.

Insurance and Reinsurance

Dave is regularly instructed in a range of insurance disputes, including property and liability policy disputes. Dave particularly enjoys marine and cargo insurance disputes: Dave became an Associate of the [Association of Average Adjusters](#) in 2022, following his completion of exams concerning the Marine Insurance Act 1906 and the Insurance Act 2015.

Examples of recent instructions include:

- Junior counsel in an ongoing ICC arbitration concerning the insurance policy for a satellite lost in space, raising issues including fortuity of loss, causation, and the duty of fair presentation.
- Advised on the constructive total loss of a vessel following its detention and seizure for alleged smuggling.
- Advised on various marine insurance coverage disputes, including under Protection and Indemnity club rules in relation to pollution damage said to have been caused by a deficient vessel which was detained abroad.
- Commercial Court proceedings regarding aviation insurance.

During pupillage, Dave experienced a wide range of insurance and reinsurance disputes. Selected work includes:

- Assisted in relation to a claim in negligence against brokers which arranged a policy of fire insurance, in which the insured property was allegedly undervalued.
- Assisted and advised in relation to the appeal in **Quadra v XL** [2023] EWCA Civ 432, which concerned an insurance claim arising out of fraud on Ukrainian agribusiness.
- Advised in relation to a claim on a policy of marine cargo insurance arising from an alleged fraudulent financing arrangement and an alleged breach of the duty of fair presentation.

- Advised in relation to a claim for a constructive total loss on a policy of marine insurance based upon the allegedly-improper detention of a vessel in Libya.
- Prepared draft pleadings in a claim on a policy of mortgagees' interest insurance.
- Advised in relation to a claim on a policy of charterers' liability insurance.
- Assisted and advised in relation to claims on various policies of proportional, stop loss, excess of loss and treaty reinsurance.
- Assisted in relation to consequential claims following the hearing of preliminary issues in *Greggs Plc v Zurich Insurance Plc* [2022] EWHC 2545 (Comm).

Commodities

In conjunction with his regular shipping work, Dave often advises upon and acts in commodity disputes, both in Court and in arbitration. Dave has a particular interest in the law of bailment. Examples of current and recent instructions include:

- Acted as junior counsel for the successful Claimant in a US\$20 million international arbitration concerning the sale and delivery of coal, sanctions issues, and estoppel.
- Instructed as junior counsel in various contamination disputes, including numerous claims against carriers.
- Advised in relation to various disputes concerning the law of bailment, including in relation to exclusion clauses in contracts of carriage, and title to sue arising out of the transfer of Bill of Lading in circumstances where property had not passed.
- Assisted in ongoing Commercial Court proceedings concerning allegedly off-specification soya beans.

Energy & Natural Resources

In conjunction with his shipping and commodities work, Dave often advises upon and acts in energy disputes, both in Court and in arbitration. Dave has particular experience of purchase and supply contracts and commodities trading, and associated insurance issues, including as regards oil and gas. Recent instructions include:

- Acted in various multi-jurisdictional proceedings (including in Court and in arbitration) arising out of a dispute between stakeholders in a global oil and gas transportation company.
- Acted as junior counsel for the successful Claimant in a US\$20 million international arbitration concerning the sale and delivery of coal, sanctions issues, and estoppel.

While he was at University, Dave spent time working at Ofgem, Great Britain's gas and electricity regulator, during which Dave gained legal regulatory experience of onshore and offshore energy projects and the UK's energy networks.

International Arbitration

Dave is regularly instructed as both sole and junior counsel in international arbitrations in a number of practice areas and pursuant to various institutional rules. Examples of Dave's current and recent instructions include:

- Acted for the Buyers in the High Court, in the Court of Appeal, and in the Supreme Court, in challenges made pursuant to

sections 68(2)(d) and 69 of the Arbitration Act 1996, in *King Crude SA v Ridgebury November LLC* [2023] EWHC 3220 (Comm); [2024] EWCA Civ 719; [2025] UKSC 39. The Supreme Court ruled in favour of Dave's clients, the In the Supreme Court, Dave orally argued issues arising out of the structure of the appeals process under the Arbitration Act 1996, including the reformulation of the question of law specified in the Arbitration Claim Form.

- Acted as junior counsel for the successful Claimant in a US\$20 million international arbitration under LMAA Rules concerning the sale and delivery of coal, sanctions issues, and estoppel.
- Acted as junior counsel in an LCIA arbitration involving disputes as to the Tribunal's jurisdiction, *res judicata*, the relevance and effect of related foreign proceedings, and allegations of fraud.
- Instructed in numerous arbitrations on LMAA terms arising out of common shipping disputes.
- Instructed as junior counsel in an ICC arbitration concerning the loss of a satellite in space.

During his pupillage, Dave assisted with, and attended, various arbitration hearings, including a dispute arising out of the management of a vessel, and a multi-million-pound arbitration concerning the sale of a Lloyd's syndicate.

Prior to pupillage, during his work in the shipping litigation department at an international law firm, Dave worked on dozens of arbitral proceedings subject to LMAA, GAFTA and LCIA Rules. Dave drafted pleadings, written submissions, and various applications to tribunals (including for security of costs and disclosure). Additionally, Dave assisted in the drafting of a skeleton argument for an application for permission to appeal pursuant to sections 68 and 69 of the Arbitration Act 1996.

Jurisdiction / Conflict of Laws

Dave's instructions often involve an international element, as a result of which Dave has been instructed in various disputes which raise conflict of law issues and jurisdictional challenges. Examples of Dave's current and recent instructions include:

- *Aon v Howden & Ors* [2025] EWHC 1148 (KB): Acted (together with Michael Holmes KC) for the successful Twelfth Defendant in his challenge to the Court's jurisdiction to hear a multi-million-dollar fraud and conspiracy claim. The jurisdiction challenge raised the effect of an exclusive jurisdiction agreement, *forum non conveniens*, international comity, and employee rights. Dave appeared alone at various hearings throughout the proceedings, e.g. [2025] EWHC 1084 (KB).
- Junior counsel in an LCIA arbitration involving a challenge to the jurisdiction of the Tribunal and a challenge that the reference is vexatious based upon the existence of related foreign proceedings.
- Junior or sole counsel in various LMAA arbitrations involving challenges to the jurisdiction of the Tribunal, including a reference commenced by an entity which was not a party to the jurisdiction agreement, and a reference in which it is alleged that the Tribunal lacks jurisdiction due to the particular agreement incorporated into a Bill of Lading.

Sanctions

Dave has a particular interest in (international) sanctions. Dave has advised and has been instructed in various disputes which involve sanctions imposed by the United Kingdom and international authorities (in the United States, the European Union, and others). For example, recent instructions concern the sanctions imposed on Russia by the international community in 2022, and the interaction between those sanctions and the *Ralli Brothers* principle that a party is excused from performance of a contract by reason of illegality under the law of the place of performance.

Before pupillage, during his work in the shipping litigation department at a leading international law firm, Dave advised on the

applicability and relevance of sanctions in a number of contexts, including vessel insurance, charterparty disputes and chains, and the BIMCO War Risks Clause (and variants thereof). In addition, Dave was heavily involved in the expedited Commercial Court trial and the expedited appeal in *The “Amethyst” and “Courage”* [2022] EWHC 452 (Comm); [2022] EWCA Civ 1091, which focused upon the designation of an individual as a “Specially Designated National” by authorities in the United States.

Education

- 2020-2021: Bar Practice Course, Inns of Court College of Advocacy
- 2016-2020: LLB Law with Canadian Law (Hons), University of Nottingham (First Class)
- 2018-2019: Law, University of British Columbia, Vancouver

Scholarships and Awards

- Gray’s Inn Edmund Davies Scholar (2019)
- Award for Scoring Highest in Maritime Law (2018)