

Dominic Kendrick KC

Call: 1981 | Silk: 1997

"Dominic Kendrick is a terrific lawyer."

International Arbitration: Arbitrators, Chambers UK Bar 2026



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

Dominic Kendrick KC had been regularly appointed as a sole arbitrator, a party-appointed arbitrator or a chairperson since 1997, and he became a full-time arbitrator in 2025.

His last trial was the multi-billion dollar Russian Airline commercial court case in which he had a major role, presenting the argument on construction for virtually the entire insurance market.

He acts as arbitrator in a wide range of contractual disputes. The staple fare of his arbitration work is shipping and shipbuilding, insurance and reinsurance, offshore energy and construction, oil trading, commodity contracts, and one-off commercial disputes particularly where fraud has been alleged.

Dominic is deeply experienced in arbitrations conducted under the auspices of the major arbitral institutions, notably LCIA, LMAA, ICC, ARIAS, DIAC, SIAT and UNCITRAL. He is also regularly appointed under contracts with ad hoc arbitration clauses, such as Bermuda Form, sale of goods, shipping, insurance, agency and construction contracts. He is also fairly frequently appointed in disputes where English is not the proper law of the contract.

Confidentiality attaches to arbitrations. However, in the rare cases where an appeal to the English court is allowed, confidentiality is lost, often in the interests of providing guidance to the market in test cases. Dominic has been a party-appointed arbitrator or chair in several such cases, for example:

- **Unipol Re v Covea** [2024] EWCA Civ 1110. The Court of Appeal upheld the award of the Tribunal on the reinsurance of Covid Business Interruption losses on standard CAT XL wording. The true interpretation of this wording and the correct aggregation of losses had been a huge issue in the London market and beyond.
- **MT AFRA OAK** [2023] EWHC 2978. A ship anchored off Singapore in a location used by a multitude of similar vessels used, but technically in Indonesian waters. The ship was arrested and not released for many months. The case raised issues of safe port in one of the busiest waterways in the world, whether there had been a failure to follow orders and the defence of negligent navigation. Teare J upheld the award.
- **SALDAHNA** [2010] EWHC 1340 (Comm). By 2010, pirates off Somalia had seized a large number of vessels. This was a test case under the terms of the leading charterparty form, on whether hire continued during the captivity or whether the vessel was off-hire. Gross J upheld the Tribunal award.

Current arbitration disputes in the 12 months up to July 2025 include:

- Covid claims on Bermuda Form contracts;
- Whether control of extremely valuable assets and companies has passed to creditors due to the instigation of chapter 11 proceedings by the parent;
- Whether the ex-chairman of a Middle Eastern construction company can claim on D&O insurance;
- Liability for alleged smuggling of oil from Iran by disguising its origin as Iraqi;
- Liability for a collapse of an oil drilling derrick;
- Liability under shipbuilding contract for the termination of major offshore construction.

As counsel Dominic appeared in a large number of reported commercial cases. The following cases are selected because they are echoed in his arbitration practice:

- **Scott v Copenhagen Re** [2003] 2 All ER (Comm) 190. This is one of the leading cases on aggregation in reinsurance. It concerns whether, under aviation reinsurance, the seizure of a British Airways aircraft at Kuwait airport and its later loss during the first Iraq war could be aggregated with the loss of the Kuwait air force from the same airport in the initial Iraqi invasion. Dominic succeeded at first instance and in the CA by establishing that it could not.
- **Ocean Victory** [2017] UKSC 35. This is both a shipping case and a marine insurance case. In shipping, it is a leading case on the definition of a safe port; in insurance it is an important case on the scope of insurers' rights of subrogation. Dominic succeeded on both issues in the Court of Appeal and in the Supreme Court.
- **Djibouti v Boreh** [2016] EWHC 405 (Comm). This remarkable case had two phases. In the first, Dominic established through cross examination that a solicitor from a reputable firm had knowingly adduced false evidence that the Defendant was engaged in terrorism and had thereby misled the Commercial Court into granting a freezing injunction. In the second phase, Dominic succeeded at full trial in establishing that the Defendant had not committed any of the frauds alleged against him, while he had been in charge of the major redevelopment of the port of Djibouti in the Horn of Africa.
- **Man v Freightliner** [2005] EWHC 2347 (Comm). This 6-month trial concerned the purchase of the shares of a truck company whose accountant had deceived both the old and new owner by a long scheme of fraud which ultimately cost the buyer over £400million. The most critical issue was whether the sellers were vicariously responsible for the accountant of their subsidiary who had been deceiving them as much as the buyer. Dominic, acting for the buyer, succeeded both at first instance and later in striking out the appeal.
- **Markel v General Reinsurance** [2024] EWHC 253 (Comm). This was a Covid Business Interruption reinsurance on the CAT XL form. Dominic succeeded as counsel in the arbitration but lost in the Commercial Court. Foxton J preferred and followed the analysis which Dominic had adopted with his co-arbitrators in their award in *Unipol Re v Covea*.
- **Achilleas** [2008] UKHL 48 This decision establishes that the test for damages in contract, as set out in *Hadley v Baxendale*, does not always start with a straightforward application of whether the loss was 'not unlikely'. Dominic succeeded in the House of Lords.
- **Rathbone Brothers Plc v Novae Corporate Underwriting Ltd** [2015] Lloyd's Rep. I.R. 95. This was a large claim on professional indemnity insurers concerning offshore trust investment advice. Dominic succeeded for the insureds on all issues in the Court of Appeal. It contains an important analysis on the extent of the rights of insurers in subrogation.

Expertise

Banking & Finance

Dominic Kendrick specialises in banking cases which involve international trading and/or documentary credits.

Selected cases:

- ***Societe Generale v Wurttembergische*** [2012] This was a claim for the loss of \$ ½ billion of gold bars. It involved the practice of a proprietary trading department, and the role of the back and middle office.
- ***Standard Bank v Via Mat*** [2012] EWHC 574 (Comm). This involves trading by warehouse warrants and the loss of \$70 million of silver bars.
- ***Shinhan Bank v Sea Containers*** [2000] 2 LLR 406 Claim in deceit by a financing Bank after the presentation of fraudulent documents.
- ***Glencore v Bank of China*** [1996] 1 LLR 135 Construction of the ICC rules on documentary credits.
- ***“Future Express”*** [1993] 2 LLR 542 (presentation of fraudulent documents and bills of exchange).

Commercial Fraud

Fraud, and the consequences of fraud, lies at the heart of many of the cases of Dominic Kendrick KC.

Selected cases:.

- ***Standard Bank v Via Mat*** [2012] EWHC 574 (Comm) Disappearance of \$70 million of silver bars from a warehouse in China.
- ***Societe Generale v Wurttembergische*** [2012] This was a claim for \$ ½ billion of gold bars said to have been abstracted fraudulently by the buyer in Istanbul.
- ***MAN A.G and ERF v Freightliner Ltd and Ernst & Young*** [2005] EWHC 2347 (Comm), vicarious liability of a company for the deceit of a person used in negotiations for the sale of a subsidiary. After a long trial, this led to damages in the order of £350 million. Dominic Kendrick appeared for the Claimant.
- ***Trafigura Beheer v MSC*** [2007] – an internationally organized fraud concerning the theft of copper in China using fraudulent documents of title.
- ***Shinhan Bank v Sea Containers*** [2000] 2 LLR 406 – documentary credit fraud on a bank.
- In arbitration, Dominic Kendrick QC was leading counsel for the claimant which first established that there had been a ‘rigged market,’ creating an artificial spiral of losses for Personal Accident reinsurers.

General Commercial Disputes

Recent cases range from acting for a hedge fund in a dispute on refinancing debt, and in a Chancery Court appeal from a VAT Tribunal decision on tax.

Selected cases:

- **Humpus** [2011] EWHC 2339 (Comm) [2011] 2 Lloyd's Rep. 663. Dominic Kendrick successfully argued that there was no fit case of 'piercing the corporate veil' and so a large worldwide freezing order was set aside.
- **Standard Bank v Via Mat** [2012] EWHC 574 (Comm). Formation of contract and role of framework terms.
- **Golden Ocean v Salgaocar** [2012] 1 Lloyd's Rep. 542 [2012] WLR (D) 70. The application of the requirements of Statute of Frauds 1677 on guarantees to email negotiations.
- **Transfield v Mercator** [2009] AC1 A leading modern case on the law of damages in contract.
- **HM Customs v Homeserve** [2009] EWHC 1311 (Ch) [2010] Lloyd's Rep. IR 47. Successful appeal in Chancery Division on VAT.
- **MAN A.G and ERF v Freightliner Ltd and Ernst & Young** [2005] EWHC 2347 (Comm) Large scale fraud in the sale of the shares of a company

Insurance & Reinsurance

Dominic Kendrick KC has been involved in most of the large disputes in the insurance market over the last 25 years. These include: the Lloyd's problems in the nineties; the Eastern European political risk / marine risk cases after the fall of the Soviet Bloc; the Exxon Valdez disaster; the invasion of Kuwait; the PA spiral; pension mis-selling; the aggregation of losses after 9/11; and, most recently, losses through the Madoff affair and large insured losses of traders, including 'proprietary' trading by Banks.

Selected cases:

- **Bishop of Leeds v Dixon Coles & Gill** [2021] EWCA Civ 1211. This case concerned aggregation of losses from long running frauds in E&O insurance under the SRA/ Law Society's minimum terms. Dominic successfully Intervened in the Court of Appeal on behalf of the SRA to support the Claimants.
- **Societe Generale v Wurttembergische** [2012] This was a claim for the loss of \$ ½ billion of gold bars insured on the specie market. After a late amendment was allowed, the case settled just before trial.
- **Beazley v Travelers** [2011] EWHC 1520 (Comm) [2012] Lloyd's Rep. IR 78 This case concerned run-off insurance and decided the contractual effect of comments by an underwriter's scratch on a slip.
- **Gard v Tunncliffe** [2011] EWHC 1658 (Comm) [2012] Lloyd's Rep. IR 1 Custom and usage in the marine energy reinsurance market.
- **Scott v Copenhagen** [2003] EWCA Civ 688. This case concerns the loss of Kuwaiti and a BA aircraft in the Gulf war. It is a leading CA case on aggregation of claims 'arising out of one event'
- **Sun Life v Feasey (CA)** [2003] EWCA Civ 885. This is the leading case on insurable interest in modern commercial insurance.
- **Commercial Union v NRG, Skandia v NRG** [1999] 2 All E.R. 434. This case arose out of the Exxon Valdez disaster. It is a leading authority on what must be proved by Reinsureds to recover under reinsurance in respect of foreign judgments and settlements.
- **Glencore International AG v Alpina and Others** [2004] 1 Lloyd's Rep. 111. Dominic Kendrick was lead counsel in an 8 week trial of claims on a trader's worldwide marine policy after the theft of about \$300 million of oil in floating storage.

- **Lincoln v Sun Life and Phoenix**. [2004] EWHC 343 (Comm). This case concerned the effect in a reinsurance dispute of a previous award and defined the limits of issue estoppel
- **Quorum v Schramm** [2002] 1 LLR 249: Loss of value of a Degas masterpiece damaged by smoke in a fire. This case raised basic problems of what constitutes 'damage' and how it should be valued.
- **John Wyeth & Brothers Ltd. v Cigna Insurance Company of Europe SA/NV and Ors** [2001] 2 Lloyd's Rep. IR 420 (CA): This case, which arose in the wake of the collapse of the largest single UK group action, concerned the interface between London market product liability insurance and US 'duty to defend' type insurance.
- **Newfoundland Explorer** [2006] EWHC 429 Loss of a vessel through fire and the construction of a marine insurance warranty.
- **Interpart v Lexington Insurance** [2004] LRIR 690. This case concerned the significance of a back-dated surveyor's certificate in marine insurance.

International Arbitration

Dominic is frequently appointed as an arbitrator in commercial disputes, particularly shipping, insurance and trading disputes. He is a member of the London Court of International Arbitration, a supporting member of the London Maritime Arbitrators' Association, is regularly appointed as arbitrator in ICC and Bermuda Form cases and has often acted as arbitrator in Hong Kong, Singapore and Dubai.

Jurisdiction / Conflict of Laws

Bringing the claim in the right forum is an essential step in international litigation. Dominic Kendrick KC has been involved in many forum disputes; England versus another jurisdiction (whether a country within the EC or elsewhere); Court versus Arbitration.

Selected cases:

- **Standard Bank v Via Mat** [2012] EWHC 574 (Comm). Jurisdiction dispute between London and Hong Kong following the loss of silver.
- **Golden Ocean v Salgaocar** [2012] EWCA Civ 265 [2012] 1 Lloyd's Rep. 542 [2012] WLR (D) 70. Forum conveniens: India or England
- **Noble Denton** [2010] EWHC 2574 (Comm) [2011] 1 Lloyd's Rep. 387. The role of court and arbitrators in investigating the jurisdiction of arbitrators.
- **Gard v Glacier Re** [2010] EWCA Civ 105 [2011] Bus LR 839. EC jurisdiction
- **Inco v First Choice** (House of Lords) [2000] 1 WLR 586 Arbitration jurisdiction.,
- **Glencore -v- Metro and Itochu Petroleum C. (S) Pte Ltd. & Banque Trad-Credit Lyonnais** [1999] 2 LLR 632 (European Convention on Jurisdiction),
- **HIB Insurance v Guardian** [1997] 1 LLR 412 (jurisdiction for negative declaration),
- **Federal and Chubb v Transamerica** [1999] 2 LLR 227 (arbitration)
- **"Anna H"** [1995] 1 LLR 111 (Admiralty jurisdiction).

Professional Negligence

Dominic Kendrick KC has acted in numerous cases of professional negligence of agents and intermediaries in the above fields, including insurance brokers, ship brokers, solicitors, accountants and the personal liability of directors and officers of a company. He also acts frequently in insurance disputes concerning E&O and D&O coverage for professional misconduct.

Shipping & Transport

Selected recent cases:

- **"Ocean Victory"** [2017] UKSC 35 A leading case in the Supreme Court concerning "unsafe port" at Kashima.
- **Rowan** [2012] EWCA Civ 198 [2012] 1 Lloyd's Rep. 564. The effect of an oil company approval clause in tanker charters. Dominic Kendrick was brought in as lead counsel for the (successful) appeal.
- **Humpus** [2011] EWHC 2339 (Comm) [2011] 2 Lloyd's Rep. 663. Setting aside a world-wide freezing order against subsidiaries of time charterers and guarantors after the collapse of long term contracts.
- **Golden Ocean v Salgaocar** [2012] EWCA Civ 265 [2012] 1 Lloyd's Rep. 542 [2012] WLR (D) 70. A decision on the formalities requires for the guarantee of a long term time charter.
- **Acergy v Sobrena** [2011] EWHC 2490 (Comm). A claim for major fire damage to a pipe laying ship whilst at a ship repairer.
- **Transfield Shipping Inc v Mercator Shipping Inc "Achilleas"** [2009] AC 1. Dominic Kendrick QC was leading counsel in the successful appeal to the House of Lords. The case is a leading, (if controversial), case on the measure of damages in time charters and in general contract.
- **"MSC Amsterdam"** [2007] – He was successful leading counsel in the Court of Appeal in a case concerning the misdelivery of copper after fraudulent bills of lading were presented .
- Dominic Kendrick was also leading counsel in Commercial Court actions arising out of large oil tanker and bulker casualties which turned on complex issues of naval architecture and computer modelling.

Many shipping cases are in arbitration and therefore confidential. In recent years, after the shipping crash in late 08, many of these have involved new-building disputes and long term COAs.

Education

MA (Cantab). Dip Law (distinction)

Languages: French (working knowledge)