

## John Bignall

Call: 1996

'Bright, calm, commercial and a pleasure to work with. Very clear written work.'

Shipping, Legal 500 2025



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John Bignall 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, in the Abu Dhabi Global Markets Court, 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.

## Expertise

### Shipping / Ship Construction

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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, withdrawal for non-payment of hire, off-hire clauses, force majeure, piracy, quarantine, off-specification bunkers, deadfreight, questions of laytime and demurrage, stowaways, stevedore damage and General Average, as well as claims by cargo interests under bills of lading and disputes relating to management agreements. 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:

- **Giant Ocean Shipping Ltd v Bulk Marine Pte Ltd** (Commercial Court, 2019) – resisting an order for summary judgment in a case concerning discharge of cargo against Letters of Indemnity.
- **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 [2013] 2 Lloyd's Rep 38 – 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, and other disputes relating to the exercise of a shipowner's lien over cargo, sub-hires/sub-freights and the right to intercept freight.
- **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).
- **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.
- **Energy Globe – obtaining an order for the sale of a cargo of coal abandoned on the ship.**
- Representing the claimant in an arbitration relating to the scope of damages recoverable for delivery of an unseaworthy LNG-carrier into a long-term time charterparty.
- 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, contractual compliance of the vessels as constructed, damage to yachts, including paint disputes, yacht charter disputes, and disputes relating to yacht-brokers' commission.
- Various arbitration disputes in relation to cargo vessel construction (issues such as contractual construction, late delivery, compliance with specification, repudiation). Advice to various clients on the recoverability of piracy-related expenses under charterparties.
- Various disputes arising from damage caused to or by cranes on loading/unloading ships.
- Advising and acting in various disputes relating to the rights and liabilities of harbour authorities, **St Christophe I, a French trawler which capsized in Dartmouth harbour.**
- Representing the buyer of a ship under a sale for scrap in relation to a dispute about the ship's lightweight.

## Insurance & Reinsurance

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John 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, Bermuda Form arbitrations, 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:

- **Global Private Investments RSC Limited v Global Aerospace Underwriting Managers Limited** [2021] ADGMCFI 0008 – representing the claimant in an insurance claim in respect of hail damage suffered by an executive jet aircraft (issues of the scope of indemnity/policy construction).
- **Assicurazione Generali v CGU** ([2004] EWCA 429, [2003] 2 All ER (Comm) 425) – a leading authority on the construction of 'follow settlements' clauses.
- **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.
- **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.
- *A Bermuda Form arbitration concerning liability claims against a major religious institution arising from sexual abuse of members.*
- *Advising insurers and reinsurers in relation to possible claims by lessors of aircraft to Russian operators following the Russian invasion of Ukraine.*
- *Advising property developers in relation to insurance cover for a proposed development project.*
- *Acting for a bank in relation to claims under the Third Parties (Rights Against Insurers) Act 2010 against the liability insurers of a solicitors' firm.*
- *Advice to brokers regarding their rights against insurers on termination of Terms of Business Agreement.*
- 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.
- Representing a financial institution in a claim 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.
- Acting for the successful claimant in an arbitration relating to a claim under a loss of hire insurance arising from damage to an LNG carrier's cargo containment system.
- Acting/advising in a substantial number of claims arising from fire damage to property.

## Jurisdiction / Conflict of Laws

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

Examples include:

- ***Prima facie v Tres Canopia*** (Commercial Court, 2021) – acting for the Claimant resisting an application by the Defendants disputing the Court's jurisdiction or for a stay of proceedings under Articles 29 and 30 of Regulation 1215/2012 (Brussels Recast).
- ***United Agencies Limited SA & Anor v Globe Marine Services Co.*** (Commercial Court and arbitration, 2019) anti-suit injunction against proceedings in Saudi Arabia and claim in arbitration for breach of an exclusive jurisdiction clause (including issues of submission to the jurisdiction).
- ***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.
- A number of cases involving consideration of the effect of Article 67 of the Withdrawal Agreement on governing law and jurisdiction for proceedings commenced (or related to proceedings commenced) during the transition period following the United Kingdom's withdrawal from the European Union.
- Advising in relation to the enforceability of orders of a Scottish Court in England.

## Commercial Litigation

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

- ***Alafco Irish Aircraft Leasing Sixteen v Hong Kong Airlines*** (Commercial Court 2021) – representing Hong Kong Airlines in respect of claims for breach of aircraft leases and related settlement agreements.
- ***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.
- ***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.

## Arbitration

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John has extensive experience of a wide range of commercial arbitrations and related proceedings in court. This includes applications for a stay of court proceedings in favour of arbitration under s9 of the Arbitration Act 1996, applications under s44 of the Arbitration Act 1996 (including applications for anti-suit injunctions in favour of London arbitrations), and appeals under sections 67, 68 and 69 of the Arbitration Act 1996.

## 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)