

# Lord Mance

Call: 1965

"He shows remarkable patience as well as a great ability to write awards - he has written unbelievably good awards. It is like a great judgment from the High Court."

Chambers & Partners 2023



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Lord Mance was Deputy President of the Supreme Court. He sat from 1993 to 1999 as a Commercial Judge, was appointed to the Court of Appeal in 1999, and to the House of Lords in 2005 where he spent four years as a Law Lord before becoming a Justice of the Supreme Court on its formation in 2009 and its Deputy President in 2017-2018.

Since joining Lord Mance was Deputy President of the Supreme Court. He sat from 1993 to 1999 as a Commercial Judge, was appointed to the Court of Appeal in 1999, and to the House of Lords in 2005 where he spent four years as a Law Lord before becoming a Justice of the Supreme Court on its formation in 2009 and its Deputy President in 2017-2018.

Since joining 7KBW, Lord Mance has been appointed in a wide range of arbitrations (in a majority of cases as sole arbitrator or chair, but also as a wing arbitrator) under ICC, LCIA, UNCITRAL and ICSID Rules and ad hoc in fields including insurance / reinsurance, energy, construction, international trade, joint venture and shareholder agreements and investment.

He has wide-reaching experience of international, commercial and European law, having written many judgments in all these areas as both first instance and appellate levels.

Lord Mance was until the end of 2021 Chair of the International Law Association as well as Chair of the Conduct Committee of the House of Lords. He is co-chair of the Lord Chancellor's Advisory Committee on Private International Law, and a member of the Judicial Integrity Group (responsible for the Bangalore Principles on Judicial Conduct). He also sits as an appellate judge of the Singapore International Commercial Court and was from 2020 to 2023 Chief Justice of the Astana International Financial Centre Court.

At the Bar he specialised in commercial law including insurance and reinsurance, professional negligence (particularly of accountants, auditors, brokers and lawyers), banking and international trade. He was a founder director of the Bar Mutual Indemnity Insurance Fund Ltd and chaired various Banking Appeals Tribunals. He also sat as an arbitrator.

While on the bench, he sat on the Council of Europe's Consultative Council of European Judges, becoming its first elected chair from 2000 to 2003. In the House of Lords, he chaired a sub-committee of the European Union Select Committee, scrutinising proposals concerning European law and institutions, and contributing to the Committee's report on the Treaty of Lisbon 2009. He also led a group working on domestic enforcement of the OECD Guidelines for Multinational Enterprises, and a delegation reporting on the problem of impunity in relation to violence against women in the Congo.

From 2010 to 2018 he served on the seven-person panel established by article 255 TFEU to report on candidates' suitability to serve as Judge or Advocate-General in the European Court of Justice.

Lord Mance has good German and reasonable French, having worked in both, and reads (but speaks limited) Spanish.

Specific cases can be found below, mostly in which Lord Mance wrote judgments: 7KBW, Lord Mance has been appointed in a wide range of arbitrations (in a majority of cases as sole arbitrator or chair, but also as a wing arbitrator) under ICC, LCIA, UNCITRAL and ICSID Rules and ad hoc in fields including insurance/reinsurance, energy, construction, international trade, joint venture and shareholder agreements and investment.

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Specific cases can be found below, mostly in which Lord Mance wrote judgments:

## Expertise

### Arbitration

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- *IPCO (Nigeria) Ltd v Nigerian National Petroleum Corp* [2017] UKPC 16 (security for award)
- *Boru Hatlari Ile Petrol Ta'limi A' v Tepe In'aat Sanayii A'* [2016] UKPC 104 (state immunity; enforcement of awards)
- *The National Housing Trust v YP Seaton & Associates Co Ltd* [2015] UKPC 43 (excess of jurisdiction)
- *Cukurova Holding AS v Sonera Holding BV* [2014] UKPC 15 (challenge to award)
- *Ust-Kamenogorsk Hydropower Plant JSC v AES Ust-Kamenogorsk Hydropower Plant LLP* [2013] UKSC 35 (injunction to prevent breach of agreement to arbitrate)
- *Jivraj v Hashwani* [2011] UKSC 40 (arbitrators' status)

- **Dallah Real Estate and Tourism Holding Company v The Ministry of Religious Affairs, Government of Pakistan** [2010] UKSC 46 (tribunal's jurisdiction)
- **West Tankers Inc v RAS Riunione Adriatica di Sicurtà Spa** [2007] UKHL 4 (reference to Court of Justice on power to injunct a party to an arbitration agreement from pursuing court proceedings within the EU)
- **Republic of Ecuador v Occidental Exploration and Production Co** [2005] EWCA Civ 1116 (scope of BIT treaty justiciable)
- **Department of Economic Policy and Development of the City of Moscow v Bankers Trust Co** [2004] EWCA Civ 314 (preserving arbitral confidence in court)
- **Dardana Ltd v Yukos Oil Co** [2001] EWCA Civ 584 (enforcement under NYC)
- **London & Leeds Estates Ltd v Paribas (No.2)** [1995] 2 E.G. 134 (loss of confidentiality of witness statements)

## Banking, Finance and Trusts

- **Banca Nazionale del Lavoro SPA v Playboy Club London Ltd** [2018] UKSC 43 (scope of bank's liability under a credit reference)
- **Investec Trust (Guernsey) Ltd v Glenalla Properties Ltd** [2018] UKSC 7
- **Taurus Petroleum Ltd v State Oil Marketing Co of Iraq** [2017] UKSC 64 (third party debt order in respect of letter of credit)
- **DD Growth Premium 2X Fund v RMF Market Neutral Strategies** [2017] UKPC 36 (redemption)
- **Pearson v Primeo Fund** [2017] UKPC 19 (priorities in liquidation)
- **Macris v Financial Conduct Authority** [2017] UKSC 19
- **Akers v Samba** [2017] UKSC 6 (wrongful disposition of trust assets)
- **Central Bank of Ecuador v Conticorp SA** [2015] UKPC 11 (dishonest procurement or assistance of director's breaches of fiduciary duties).
- **Krys v KBC Partners LP** [2015] UKPC 46
- **Crociani v Crociani and Princess Camilla de Bourbon** [2014] UKPC 40 (law governing trust)
- **UC Rusal Alumina Jamaica Ltd v Wynette Miller** [2014] UKPC 39 (pension surplus, employer's rights)
- **Williams v Central Bank of Nigeria** [2014] UKSC 10
- **In re the Nortel and Lehman Companies (No 2)** [2013] UKSC 52
- **Cukurova Finance International Ltd v Alfa Telecom Turkey Ltd** [2013] UKPC 2, 20 and 25
- **Financial Services Authority v Sinaloa Gold Plc** [2013] UKSC 11
- **Lloyds TSB Foundation for Scotland v Lloyds Banking Group Plc** [2013] UKSC 3
- **Belmont Park Investments Pty Ltd v BNY Corporate Trustee Services Ltd and Lehman Brothers Special Financing In** [2011] UKSC 38
- **Culross Global SPC Ltd v Strategic Turnaround Master Partnership Ltd** [2010] UKPC 33
- **In re Sigma Finance Corp** [2009] UKSC 2
- **Pattni v Ali** [2006] UKHL 51
- **Customs & Excise Commissioners v Barclays Bank Plc** [2006] UKHL 28

- **Solo Industries UK Ltd v Canara Bank** [2001] EWC Civ 1059 (performance bond)
- **Baird Textile Holdings Ltd v Marks & Spencer Plc** [2001] EWCA Civ 274 (right to terminate business relationship)
- **Australian and New Zealand Banking Corp v Société Générale** [2000] EWCA Civ 44; [2000] CLC 833 (CA)
- **Grupo Torras SA v Sheikh Al-Sabah and others** [1995] 1 Lloyd's Reports 374 and [1999] EWHC, [1999] CLC 1469
- **Bankers Trust International plc v PT Dharmala Sakti Sejahtera** [1996] CLC 518 (duty to explain implications of interest rate swaps?)
- **Bank of Baroda v Vysya Bank Ltd** [1994] 2 Lloyd's Rep 87 (law governing letter of credit)

## Conflict of Laws

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- **Ministry of Defence v Iraqi Civilians** [2016] UKSC 25
- **Vizcaya Partners Ltd v Picard** [2016] UKPC 5
- **Cox v Ergo Versicherung AG** [2014] UKPC 22
- **VTB Capital Plc v Nutritek International Corp** [2013] UKSC 5
- **NML Capital Ltd v Argentina** [2011] UKSC 31 (state immunity)
- **Raiffeisen Zentralbank Osterreich Ag v An Feng Steel Co. Ltd.** [2001] EWCA Civ 68 (law governing competing claims to debt)
- **Bank of Baroda v Vysya Bank** [1994] 2 Lloyd's Rep 87

## General Contract Law

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- **Quoine Pte Ltd v B2C2 Ltd** [2020] SGCA(I) 02 (computer made crypto-currency contracts, unilateral mistake)
- **Cartier International AG v British Telecommunications Plc** [2018] UKSC 28 (costs of complying with injunction)
- **Fulton Shipping Ltd v Globalia Business Travel SAU** [2017] UKSC 43
- **Chen v Ng** [2017] UKPC 27 (consideration)
- **Patel v Mirza** [2016] UKSC 42 (illegality)
- **Makdessi v Cavendish Square Holdings BV** [2015] UKSC 67 (penalty clauses)
- **Farstad Supply AS v Enviroco Ltd** [2010] UKSC 18 (effect of charterparty indemnity/exclusion in context of contribution claim)
- **Golden Strait Corporation v Nippon Yusen Kubishiki Kaisha ("The Golden Victory")** [2005] EWCA Civ 1190, affirmed [2007] 2 AC 353 (relevance of post-breach events to assessment of damages)
- **Cressman v Coys of Kensington (Sales) Ltd** [2004] EWCA Civ 47 (restitution)
- **Experience Hendrix LLC v PPX Enterprises Inc** [2003] EWCA Civ 323 (restitution/damages)
- **Huyton SA v Peter Cremer GmbH & Co** [1998] EWHC 1208 (Comm)

## European Union Law

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- *Scotch Whisky Association v Lord Advocate* [2017] UKSC 76 (single market)
- *Nuclear Decommissioning Authority v EnergySolutions EU Ltd* [2017] UKSC 24 (damages)
- *Deutsche Bahn AG v Morgan Crucible Co Plc* [2014] UKSC 24 (cartel)
- *R (HS2 Action Alliance) v Secretary of State for Transport* [2014] UKSC 3 (limits on power of EU)
- *R (Chester) v Secretary of State for Justice* [2013] UKSC 63 (prisoner voting)
- *BHL Old Co Ltd v BASF SE* [2012] UKSC 24 (cartel)
- *Bloomsbury International Limited v Sea Fish Industry Authority and Department for Environment, Food and Rural Affairs* [2011] UKSC 11
- *Office of Fair Trading v Abbey National Plc* [2009] UKSC 6 (bank charges)
- *Office of Fair Trading (Respondents) v. Lloyds TSB Bank plc* [2007] UKHL 48 (recourse against credit card issuer in case of foreign transactions)
- *Courage Ltd v Crehan (No 1)* [2001] EWCA Civ 1930 (tied public houses)

## Human Rights and Public Law

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- *Lee v Ashers Baking Company Ltd and Northern Ireland Human Rights Commission's Reference* [2018] UKSC 49 (discrimination)
- *Northern Ireland Human Rights Commission's application for judicial review* [2018] UKSC 27 (abortion)
- *Miller v Secretary of State for Exiting the European Union* [2017] UKSC 5 (need for Parliamentary approval before service of any notice to leave EU)
- *Times Newspapers Ltd v Flood* [2017] UKSC 33
- *Arorangi Timberland Ltd v Minister of the Cook Islands National Superannuation Fund* [2016] UKPC 32 (discrimination against migrant workers)
- *Ferguson v Attorney General of Trinidad and Tobago* [2016] UKPC 2 (retrospective legislation)
- *Coventry v Lawrence* [2015] UKSC 50
- *Pham v Secretary of State for the Home Department* [2015] UKSC 19 (removal of citizenship)
- *Newbold v Commissioner of Police* [2014] UKPC 12 (interception of communications)
- *Smith v Ministry of Defence* [2013] UKSC 41 (UK state liability for inadequate military equipment)
- *Assange v The Swedish Public Prosecution Authority* [2012] UKSC 22 (meaning of "judicial authority")
- *Her Majesty's Treasury v Ahmed* [2010] UKSC 5 (Order in Council freezing assets unlawful)
- *R (Laport) v Chief Constable of Gloucestershire* [2006] UKHL 55 (right of assembly)
- *R (Bancourt) v Secretary of State for Foreign and Commonwealth Affairs* [2008] UKSC 61 (removal of right of return from Chagos Islanders)
- *State of Mauritius v Khoyratty* [2006] UKPC 13 (unconstitutionality of legislation removing accused's right to seek bail)

- **Bowman v Fels** [2005] EWCA Civ 226 (presumption against removal of legal professional privilege)
- **Jones v Saudi Arabia** [2004] EWCA Civ 1394, overruled [2006] UKHL 26 (no civil right to sue for torture by foreign state official)

## Insurance

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### Marine

- **Navigators Insurance Company Ltd v Atlasnavios-Navegacao LDA** [2018] UKSC 26
- **Versloot Dredging BV v HDI Gerling Industrie Versicherung AG** [2016] UKSC 45
- **Global Process Systems Inc v Syarikat Takaful Malaysia Berhad** [2011] UKSC 5

### Non-marine

- **The Policyholders Specified in Schedule 1 to the Arbitration Agreement v China Taiping Insurance (UK) Co Ltd** (published sole arbitration award of 10 September 2021 referred to in **Corbin & King Ltd v Axa Insurance UK Plc** [2022] EWHC 409 (Comm))
- **Ramsook v Crossley** [2018] UKPC 9
- **Maharaj v Motor One Insurance Ltd** [2018] UKPC 8
- **AIG Europe Ltd v Woodman** [2017] UKSC 18 (aggregation of claims)
- **Impact Funding Solutions Ltd v Barrington Support Services Ltd** [2016] UKSC 57
- **Moreno v The Motor Insurers' Bureau** [2016] UKSC 52
- **International Energy Group Ltd v Zurich Insurance Plc** [2015] UKSC 33
- **Employers' Liability Insurance "Trigger" Litigation: BAI (Run Off) Ltd v Durham** [2012] UKSC 14 (trigger point for insurance liability for mesothelioma)
- **Stemson v AMP General Insurance (NZ) Ltd** [2006] UKPC 30 (false claims)
- **Friends Provident Life & Pensions Ltd v Sirius International Insurance Corp** [2005] EWCA Civ 601
- **AXA General Insurance Ltd v Gottlieb** [2005] EWCA Civ 112

### Reinsurance

- **Teal Assurance Co Ltd v W. R Berkley Insurance (Europe) Ltd** [2013] UKSC 57
- **Wasa International Insurance Co Ltd v Lexington Insurance Co** [2009] UKHL 40
- **Brotherton v Aseguradora Colseguros SA** [2003] EWCA Civ 705
- **Gan Insurance Co Ltd v Tai Ping Insurance Co Ltd (No 2)** [2001] EWCA Civ 1047 and (No 3) [2002] EWCA Civ 248
- **Charter Reinsurance Co Ltd v Fagan (Lloyd's Syndicates 540 and 542)** [1997] AC 313.
- **Home Insurance Co Ltd v Mentor Insurance Co (UK) Ltd** [1990] 1 WLR 153

## Professional Negligence

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- *Groupama Navigation et Transports v Catatumbo CA Seguros* [2000] EWCA Civ 220
- *Stone & Rolls Ltd v Moore Stephens* [2009] UKHL 39
- *Law Society v Sephton & Co* [2006] UKHL 22
- *Howard v Fawcetts* [2006] UKHL 9

## Public International Law

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Lord Mance has been Executive Chair of the International Law Society since 2010.

- *R (Tag Eldin Ramadan Bashir & Ors) (AP) v Secretary of State for the Home Department* [2017] UKSC 106
- *Belhaj v Straw and Rahmatullah (No 1) v Ministry of Defence* [2017] UKSC 1 and 3 (state immunity; alleged illegal rendition/detention)
- *Abd Ali Hameed Al-Waheed and Serdar Mohammed v Ministry of Defence* [2017] UKSC 2 (inter-relationship of public international, domestic law and European Human Rights Convention)
- *Boru Hatlari Ile Petrol Ta'ima A v Tepe In'aat Sanayii A* [2016] UKPC 104 (state immunity; enforcement of awards)
- *Keyu v Secretary of State for Foreign and Commonwealth Affairs* [2015] UKSC 69 (UK responsibility for, and for holding an enquiry into, killings in Malaya in 1948)
- *United States v Nolan* [2015] UKSC 63 (jurisdiction in respect of acts jure imperii where state immunity waived)
- *Republic of Ecuador v Occidental Exploration and Production Co* [2005] EWCA Civ 1116 (scope of BIT treaty justiciable)
- *Kuwait Airways v Iraqi Airways* [1999] CLC 31 (affirmed [2002] UKHL 19) (liability for conversion of Kuwait airplane fleet)

## Transportation

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- *Fulton Shipping Ltd v Globalia Business Travel SAU* [2017] UKSC 43 (charterparty repudiation)
- *Gard Marine and Energy Ltd v China National Chartering Co Ltd* [2017] UKSC 35 (interpretation of Barecon 89 charter)
- *PST Energy 7 Shipping LLC v O W Bunker Malta Ltd* [2016] UKSC 23 (owners' liability for bunkers consumed in circumstances where no title acquired)
- *NYK Bulkship (Atlantic) NV v Cargill International SA* [2016] UKSC 20 (whether charterers responsible for vessel's arrest)
- *British American Tobacco Denmark A/S v Kazemier Transport BV and Essers Security Systems BV* [2015] UKSC 65 (CMR)
- *Golden Strait Corporation v Nippon Yusen Kubishiki Kaisha ("The Golden Victory")* [2005] EWCA Civ 1190, affirmed [2007] 2 AC 353 (relevance of post-breach events to assessment of damages)



## Education

1961 – 1964: University College, Oxford; MA Jurisprudence (first class)

Oct. 1965: Call to bar (Middle Temple)

## Hon Fellowships:

University College, Oxford (2005)

Wolfson College, Oxford (2011)

Liverpool John Moores University;

John F Kennedy University, Buenos Aires;

American Society of Trial Lawyers (2016)

## Hon Doctorates:

University of Oxford (LLD) (2016)

Canterbury Christ Church University;

## Legal Career:

2017 – 2018 Deputy President of the UK Supreme Court

2009 – 2017 Justice of the UK Supreme Court

2005 – 2009: House of Lords Appellate Committee

1999 – 2005: Court of Appeal of England and Wales

1993 – 1999: High Court, QBD Judge, also sitting in Commercial Court

1989 – 1993: Chair, various Banking Appeal Tribunals

1988 – 1994: Founder Director of Bar Mutual Indemnity Fund Ltd, with responsibility for reinsurance

1982 – 1993: QC; admitted ad hoc in Hong Kong and The Bahamas; also arbitrator and from 1990 recorder and then deputy High Court Judge

1966 – 1993: 7 King's Bench Walk (commercial chambers)

1965 – 66: Common and commercial law pupillages

Jan – Sept 1965: intern in Hamburg law firm (now Freshfields).



## Other Associated Activities:

2019 to date: Chair, Conduct Committee of the House of Lords

2018 to date: Honorary Professor Law, King's College, London

2017-2018: One of group of senior judges advising the UK Government on the technical implications of Brexit for the UK legal system.

2010-2018: Member of the seven-person panel from across Europe, appointed by the Council of Ministers under Article 255 TFEU (2009) to consider and report on the suitability of candidates to act as judges or advocates-general of the European Court of Justice.

2011 to date: Founder member and member of Senate of the European Law Institute and member of its three-person arbitral committee.

2010 to date: Chair and now Co-Chair of Lord Chancellor's standing Advisory Committee on Private International Law.

2009 to 2021: Chair of the Executive Council of the International Law Association, ([www.ila-hq.org](http://www.ila-hq.org)).

2009 to date: President of British-German Jurists' Association.

2008 to date: Member of Judicial Integrity Group responsible for the Bangalore Principles of Judicial Conduct

2008: Leader of six-person delegation of Europeans and Africans to report on Justice, Impunity and Sexual Violence in the Eastern Democratic Republic of Congo (for the Swedish Foundation for Human Rights and the All Party Group on the Great Lakes Region of Africa. (<http://www.appggreatlakes.org/index.php/appg-reports-mainmenu-35/116-sexual-violence-report-published>).

2007-2009: Member of House of Lords European Union Select Committee and Chair of its sub-committee on European Law and Institutions.

2004-2009: Judge responsible for representing and coordinating UK judicial response to the European initiative to develop a common "contractual frame of reference" (the "CFR" project).

2003-2011: UK representative on the Board of Trustees of the European Law Academy, Trier.

2000-2012: UK representative on the Council of Europe's ("CoE's") Consultative Council of European Judges ("CCJE") ([www.coe.int/CCJE](http://www.coe.int/CCJE)). Elected and re-elected as its first chair 2000-2003.

2000-2002: President of British Insurance Law Association (BILA).

## Other Activities:

2019 Elected Membre correspondant de l'Académie des Sciences morales et politiques

2012 to 2018 – High Steward of the University of Oxford

Visitor of Wolfson College, St Cross College and Lineker College, Oxford

2000 to 2020 – Chair, Hampstead Counselling Service