

Philip Aspin

Call: 2014

'Philip is a very able lawyer with an enviable intellect who works incredibly hard.'

Shipping, Legal 500 2025



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Philip Aspin has a broad practice encompassing shipping, insurance and reinsurance, civil fraud, and general commercial litigation.

Current or recent instructions include: acting for the Government of Sri Lanka in ongoing Admiralty Court limitation proceedings arising out of one of the most notorious marine casualties of recent years, the burning and sinking of the container ship "X-Press Pearl" off the port of Colombo in May 2021; acting for the claimant in a very high value Commercial Court event cancellation reinsurance claim arising out of the Covid-19 pandemic, which is scheduled for trial in early 2026; acting for the successful claimants in an LMAA arbitration arising out of shipbuilding contracts for two LNG carriers, resulting in a damages award of almost US\$300m; and acting for the claimant in a Commercial Court civil fraud dispute arising out of a contract for the sale of Greek solar energy parks.

Philip has also spent time on secondment at a number of leading solicitors' firms, where he worked on a wide range of commercial matters, including disputes over jurisdiction, conflict of laws and state immunity as well as an extensive regulatory review of a complex programme of international reinsurance arrangements.

Philip accepts instructions, led or unled, in any commercial dispute.

Expertise

Shipping & Transport

Shipping and shipping-related work is at the heart of Philip's practice. He is ranked as a "Leading Junior" in this practice area by the Legal 500 and has acted (both led and unled) in a wide variety of charterparty, COA, bill of lading and other marine disputes.

- ***Sea Consortium Ptd Ltd & ors v Bengal Tiger Line Ltd & ors "The X-Press Pearl" (AD-2021-000165)***. Acting for the Government of Sri Lanka in Admiralty Court limitation proceedings arising out of one of the most notorious marine casualties of recent years, the burning and sinking of the container ship "X-Press Pearl" off the port of Colombo in May 2021, which resulted in massive environmental damage along the Sri Lankan coastline. (Led by Peter MacDonald Eggers KC and Charles Holroyd).

- Acted for the claimant buyers in an LMAA shipbuilding arbitration arising out of contracts for the construction of two LNG carriers of novel design. After the defectiveness of the vessels had been established at an 8-day preliminary issue hearing in 2021, the matter proceeded to a further three-week trial in September 2023 on issues of liability and quantum at which Philip's clients were successful on almost every point, resulting in an award of almost US\$300m in damages. (Originally with Robert Bright KC and Adam Turner, subsequently with Simon Birt KC and Kyle Lawson).
- Acting (led by Stephen Kenny KC) for vessel operators in a claim against a terminal operator for negligent stowage of containers leading to the collapse of container stacks at sea.
- Acted (as sole counsel against a silk) defending a US\$4 million LMAA arbitration claim brought by the bareboat charterers of a fleet of chemical tankers against the vessels' former managers.
- Acted (as sole counsel) on behalf of voyage charterers in US\$6.5 million LMAA arbitration arising out of the unseaworthiness of a VLCC and consequent delay to loading of a cargo of crude oil, raising issues including the carrier's duty of due diligence, limitation under the Hague-Visby rules, and remoteness of loss.
- Acted (led by Richard Southern KC) for the successful owners in a three-handed LMAA arbitration arising out of an unperformed COA for the carriage of iron ore out of Sierra Leone, defeating charterers' defence of force majeure based on the alleged effects of the Ebola outbreak.
- Acted (led by Richard Southern KC) for charterers in LMAA arbitration arising out of an unperformed COA for the carriage of iron ore from Australia, turning on issues of force majeure and frustration.
- Acted (led by Robert Bright KC) for time charterers in a three-handed LMAA arbitration arising from the detention of a bulk carrier, defending a \$20+ million claim for cargo damage brought by voyage charterers and claiming up the chain against disponent owners. The case raised issues of construction of the exceptions clause in the Norgrain charter, the Inter-Club Agreement and the Hague Rules time-bar. (Settled favourably on the eve of trial).
- Acted (led by Gavin Geary) for claimant owners in an LMAA arbitration arising from the repudiation of a COA, involving consideration of the 'minimum performance' rule in assessing damages.
- Advised (as sole counsel) on a US\$ 20m+ claim arising out of a bunker barging contract, raising issues of contractual variation, res judicata, estoppel by convention and duress.
- Advised on procedural issues relating to enforcement of an LOF salvage award.
- Advised on liability in negligent misstatement and deceit for false statements in a cargo survey report.
- Advised on the measure of damages under a time charter for owners' breach of the obligation to present with clean holds ready for loading, causing a shipment window to be missed.
- Advised on the availability of a claim under English law for wrongful arrest following the arrest of a tanker in South Korea on the basis of a claimed right to pierce the corporate veil.
- Instructed in relation to a claim for cargo damage resulting from a collision between a cruise ship and a tanker in the Dardanelles, involving complicated questions of assignment and limitation.
- Acted for disponent owners in assigned claim against shipper for freight due under bills of lading, raising issues concerning the incorporation of charterparty terms into bills of lading.
- Settled pleadings in demurrage claims under charterparties on the BPVOY 4 and Gencon 1994 forms.
- Acted for owners in claim for late redelivery, raising issues concerning the identification of the relevant market for assessing damages.
- Instructed in relation to an application to dismiss an arbitration claim alleging breach of a safe port warranty for inordinate and inexcusable delay.

- Advised on merits of a claim by owners under a charterparty on the Gencon 1994 form following purported termination by charterers after stevedores refused to load.
- Acted for charterers in dispute raising numerous issues, including damages for early redelivery, underperformance, offhire, and liability for delay arising from master's refusal to accept bunkers.
- Advised owners on a demurrage dispute arising from a charterparty on the Synacomex 2000 form.
- Acted for time charterers defending disponent owners' safe port/implied indemnity claim in LMAA arbitration.
- Acted for owners against time charterers in LMAA arbitration, involving a claim for unpaid hire and bunker shortfall on redelivery and a counterclaim alleging breach of a 'no Iran calls' warranty and misrepresentation as to the vessel's history.
- Advised in relation to claims for misrepresentation and breach of implied terms of quality and fitness for purpose under a contract for the hire-purchase of a fishing vessel.
- Acted for claimant shipbrokers in claim for unpaid brokerage under a time charter.

Insurance & Reinsurance

Philip has extensive experience acting for both insurers and assureds in cases arising across a range of sectors, including marine, professional liability, property, cargo, business interruption and travel risks.

- **Greggs Plc v Zurich Insurance.** Philip was instructed (with Sandra Healy) on behalf of Zurich to appear at the second-stage hearing arising out of Mr Justice Butcher's judgment at [2022] EWHC 2545 (Comm), concerning the aggregation of business interruption losses flowing from the Covid-19 pandemic. (Case settled before hearing).
- Acting (led by Peter MacDonald Eggers KC and Sandra Healy) in **WRBC Corporate Member Limited v Axa XL Syndicate Limited and Others (CL-2023-000889)**, a very high value reinsurance claim arising out of the Covid-19 pandemic, scheduled for trial in early 2026.
- Advised a policyholder on coverage and broker's liability following the catastrophic loss of a dairy herd to contaminated feed.
- Numerous instructions to advise insurers and reinsurers across multiple market sectors (including aviation, marine, energy and liability) on the effect of sanctions imposed in response to the Russian invasion of Ukraine.
- Acted on behalf of insurers in Bermuda Form dispute over a claim for indemnity by a prominent US religious organisation in respect of multiple allegations of sexual abuse (with Gavin Kealey KC, John Bignall, Sarah Martin and Jason Robinson).
- Acted (as sole counsel) for insurers in marine insurance arbitration claim for a constructive total loss arising out of the arrest of a bulk carrier in Turkey, turning on the 'ordinary judicial process' exception in the Institute War Clauses.
- Advised on coverage under the professional liability policy of an investment fund manager for the costs of defending Part 64 proceedings brought by a creditor seeking an order for the winding up of the fund.
- Advised on coverage for medical costs under multiple consumer travel insurance policies.
- Advised in relation to the property and public liability insurance of a well-known national charity.
- Advised on coverage issues under the property risks policy of a motor vehicle repair/garage business.
- Acted for insurers defending a claim by an independent financial adviser under a professional indemnity policy.
- Advised in relation to the property and business interruption risks policies of a major property development company.
- Advised on a claim under an all-risks transit policy for loss and damage to various works of art and household effects, raising

issues concerning under-insurance and the operation of the Consumer Insurance (Disclosure and Representations) Act 2012.

- Advised on questions of contractual formation in relation to a policy of title guarantee insurance.
- Instructed in relation to a claim under a cargo risks policy arising out of the theft of industrial machinery from a warehouse.
- Instructed as part of an extensive regulatory review of a complex programme of international reinsurance arrangements.
- Advised a property management company on a potential complaint to the Financial Ombudsman Service arising out of the renewal terms offered by the company's property risks insurers following a claim.

International Arbitration

Much of Philip's work in the field of shipping and insurance takes place in arbitration. Other relevant cases he has undertaken include the following:

- Acted (led by Robert Bright KC) for the successful claimants in US\$100m LCIA arbitration claim arising out of a coal offtake agreement, governed by Queensland law, raising a number of complex issues including the enforceability of agreements to negotiate in good faith and the assessment of 'loss of a chance' damages.
- Instructed in relation to a UNCITRAL arbitration concerning a long-term offshore oil drilling contract.

Civil Fraud

Philip's civil fraud experience includes being led on a heavy Commercial Court trial arising out of the collapse of a ponzi scheme, as well as acting alone in smaller cases with a fraud element.

- Acting (with John Bignall) for the claimant in ***Prima facie v Tres Canopia (CL-2020-000760)***. This case, which is listed for trial in the Commercial Court in October 2024, arises out of a share-purchase agreement relating to Greek solar energy assets which the defendants allege was procured in breach of fiduciary duty.
- Acted (led by Clive Freedman QC and Jo Higgs) on behalf of the Claimants in ***Simetra Global Assets Ltd & Or v IKON Finance Ltd & Ors***, involving a 3-week trial in the Commercial Court of claims in dishonest assistance, deceit and conspiracy arising out of a long-running ponzi scheme.
- ***Slater and Gordon (UK) Ltd v Watchstone Group Plc***. Instructed to assist on questions of legal professional privilege in this very high value claim for damages for fraudulent misrepresentation and breach of contract in connection with the Claimant's acquisition of the professional services division of the Defendant.
- Advised on the remedies available to the purchaser of the assets and goodwill of an engineering company arising following the misappropriation of its plant and equipment and diversion of its business by its former management.
- Acted for a firm of solicitors who had been the victims of an opportunistic fraud; obtained final judgment on the claim at the CCMC.
- Instructed to draft written submissions for use in proceedings in the High Court of Singapore arising out of the grant of a freezing injunction in support of a USD 50 million claim for breach of fiduciary duty.

Commercial Litigation

Beyond his shipping, insurance and civil fraud work, over the past few years Philip has also acted in a wide range of other commercial disputes.

- Acted (led by Peter MacDonald Eggers KC) for the claimant bank in *Aegean Baltic Bank S.A. v v Renzlor Shipping Ltd & Ors (CL-2018-000706)*, an US\$ 8m Commercial Court claim under a loan agreement and associated guarantees against the owner of a tanker and its corporate and personal guarantors, raising issues including the requirements for a constructive total loss under the Italian law of marine insurance, the equitable duties of a mortgagee in exercising its security rights, and the effect of Articles 281, 288, 330, 862 and 863 of the Greek Civil Code.
- Acted for one of the defendants in *Thomas v Ritz Property (2013) Ltd & Ors*, a £10 million Commercial Court claim in breach of contract and debt arising out of the breakdown of a property development venture in Brazil.
- Advised on a potential claim for misrepresentation arising out of the sale of a yacht.
- Instructed to assist with disclosure in relation to a Part 20 claim for professional negligence against a firm of solicitors, arising out of the drafting of a clause in an insurance policy.

Carriage of Goods

In addition to the shipping cases outlined above, Philip has also settled pleadings and appeared in a number of disputes arising from the carriage of goods by land and air.

Other

In addition to his work in chambers' core practice areas, Philip has also been involved in a variety of cases falling outside those specialisms:

- Advised in relation to the validity of the acquisition, by the trustees of a deceased estate, of a beneficiary's interest.
- Acted for the successful claimant landowner in dispute with contractors and subcontractors arising from damage to land caused by oil/diesel spillage.
- Extensive research into the effect of financial services, consumer credit and consumer protection legislation on the operation of the student loan system in England and Wales in the context of a potential challenge to the enforceability of student loans.
- Acted for flying club in successful ad hoc arbitration claim against a former club member for negligent damage to a light aircraft.
- Advised and acted for a warehousing and delivery company in a claim against a customer for unpaid invoices in which it was alleged that invoices had been settled by payment to the personal account of one of the claimant's employees, raising issues concerning ostensible authority.

Education

November 2014: called to the Bar by Gray's Inn

2013-14: Bar Professional Training Course, City University London (Very Competent)

2012-13: Graduate Diploma in Law, City University London (Commendation)

2009-13: D.Phil History, Oxford University

2008-9: MSt Historical Research, Oxford University

2005-8: BA History, Oxford University (First Class)

Scholarships and Awards

Senior scholarship, Corpus Christi College Oxford, 2011-12

Arts and Humanities Research Council doctoral scholarship, 2009-12

Hawksmoor Essay Medal, Society of Architectural Historians of Great Britain, 2009

Undergraduate scholarship, Corpus Christi College Oxford, 2006-8

Christopher Bushell Prize for History, Corpus Christi College Oxford, 2007 and 2008