

Richard Southern KC

Call: 1987 | Silk: 2006

“His ability to cut to the core of an issue and express his arguments clearly and precisely is truly impressive.”

Shipping & Commodities, Chambers UK Bar 2026



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Richard Southern KC specialises in commercial litigation and arbitration, including shipping, energy, commodities and international trade, as well as professional negligence, marine and non-marine insurance, and reinsurance.

As a silk, Richard’s work has included a wide range of litigation and arbitration. Recently Richard has been involved in several significant cases including one about counterfeit crude oil, a claim for investments misappropriated by their custodian. He represented Classic Maritime in a series of heavily contested cases no less than sixteen times both at trial and on appeal. He recently won a landmark shipbuilding arbitration before a panel of three retired Commercial Court judges and he represents the London reinsurance market in proceedings arising out of the Chapeconese air disaster.

He is ranked by Chambers UK as a leading silk in shipping & commodities and energy & natural resources (“*He is extremely good. He is very thorough, always delivers on time and has a very good instinct for where a case is going to go*”) and by The Legal 500 as a leading silk in commodities, insurance and reinsurance, and shipping (“*an excellent advocate who picks the right points*”). His work is principally advocacy and advisory. Richard sits regularly as an arbitrator in LMAA, LCIA and SIAC disputes, and is an IMI Qualified Mediator.

Expertise

Insurance & Reinsurance

Richard is currently involved in a claim several (unrelated) fire claims, for the insured and for the insurers, a large material damage and business interruption claim involving a blast furnace, and a number of disputes between insureds and their Errors and Omissions insurers.

Selected cases:

- **2021-2022:** Counsel for the reinsurers obtaining an anti-suit injunction restraining pursuit of claims in Florida by the families of the victims of the Chapecoense air disaster.

- **2022:** Counsel for Insurers in a Buyer's Warranty Insurance Policy insuring against breach of warranty in a share purchase agreement for the share capital in a global corporation.
- **2020-2022:** Counsel for an insurance broker sued in the Commercial Court for alleged breach of duty in placing a policy. The case raises the question whether and when an insured must disclose that in a previous policy year, there had been an incorrect presentation of the facts to the insurer.
- **2022:** Counsel for an insurance broker in a business interruption claim arising out of a fire at a waste recycling centre involving complex legal, insurance, and factual issues.
- **2021:** advised in high-value claim against E&O insurers concerning alleged secret profits.
- **2020:** Advised in coverage dispute concerning historical allegations of abuse at schools.
- ***XL Insurance Company S.E. v Peter Little*** [2019] EWHC 1284 (Comm) (Poplewell J.). Appeared as leading counsel in a case arising out of the LIBOR rigging scandal, involving a final anti-suit injunction to restrain a US resident from pursuing US proceedings where an insurance policy required parties to resolve disputes via LCIA arbitration.
- ***Synergy Healthcare (U.K.) Ltd v C.G.U. and others*** [2010] EWHC 2583 (Comm) (Flaux J.). Appeared as leading counsel for the Fifth Defendant broker, against whom the Claimant sought damages for breach of duty if its primary claim for an indemnity under a MD/BI insurance policy – which the defendant insurers had sought to avoid on the grounds of non-disclosure and misrepresentation – failed.
- ***EAIC v Axa*** [2007] Lloyd's Rep IR 359 and [2007] EWCA Civ 1178. Counsel for the claimant reinsured in a successful summary judgment application.
- ***ABB Brown Boveri v Hiscox Dedicated*** [2007] EWHC 1150 (Comm). Counsel for the claimant in a claim against insurers and brokers on a programme of contract frustration indemnity insurance.
- ***Aneco Reinsurance Underwriting Ltd v Johnson & Higgins*** [2002] 1 Lloyd's Rep 157 (House of Lords – professional negligence, insurance broking, quantification of damages)
- ***Lincoln National Life Insurance Co v Employers Reinsurance Corp*** [2002] Lloyds's Rep I&R 852 (Reinsurance, personal accident carve out cover, jurisdiction).
- ***Glencore International v Exter Shipping Ltd*** [2002] EWCA Civ 524 (Court of Appeal; shipping, misdelivery of oil cargoes, jurisdiction of English court to order anti-suit injunction restraining proceedings in Georgia).
- ***Glencore International v Metro Trading*** [2001] 1 Lloyd's Rep 284 (Conflict of laws, application of lex situs to property in moveable goods, proprietary effect of bailee blending stored oil)
- ***Lloyd v Popely*** [2000] 1 BCLC 19 and C.A. unreported (Court of Appeal); fraud, dispute between promoters over ownership of shares in Hever golf club, and legality of sale agreement under Financial Services Act.

Shipping & Transport

Richard has previously represented an Owner in a string of Contracts of Affreightment (C.O.A.) related disputes and a Charterer in a different string of C.O.A. related disputes. Other recent cases involve a substantial dispute over the condition of a vessel after a long bareboat charter, a dispute concerning a coal handling contract, numerous time charter and voyage charter disputes

Selected cases:

- **2022:** Counsel for the owners and insurers of a vessel in a “putting-by” case causing the moorings of a moored vessel to part.
- **2022:** Counsel for the Buyers in a shipbuilding arbitration where the dispute was whether the Vessel was ready for delivery when delivery was tendered.
- **2021:** Counsel for the respondent in a Time Charterparty dispute as to whether vessel lawfully withdrawn from service under the Charterparty, for underpayment of hire, raising questions as to lawfulness and damages.
- ***Classic Maritime v Limbungan Makmur Sdn Bhd* [2020] EWHC 619 (Comm) (Butcher J.):** Final stage of a long-running dispute in this Contract of Affreightment case marking the successful culmination of extensive litigation.
- **2019:** Counsel for the buyers of a tanker in an arbitration concerning under construction involving inspection of the vessel and evidence filed with the Classification Society.
- ***Classic Maritime v Limbungan Makmur Sdn Bhd* [2019] EWCA Civ 1102; [2018] EWHC 2389 (Comm):** An important authority on the proper construction of force majeure clauses in a claim for non-performance of a contract of affreightment and the correct measure of damages for breach of contract.
- ***S.T. Shipping and Transport Pte Ltd v Space Shipping Ltd & Anor* [2018] EWHC 156 (Comm):** Counsel for S.T. Shipping, Glencore International and Glencore plc in stakeholder proceedings before Teare J, raising difficult issues concerning “competing claims” entitling a party to pursue stakeholder proceedings, as well as their relationship with third party debt orders.
- **2018:** Significant force majeure arbitration involving questions as to how substitute employment for ships is brought into account by way of mitigation of the shipowner’s loss.
- **2018:** Significant dispute about force majeure events affecting a complex coal handling contract.
- ***OMV Petrom v Glencore International AG*: [2017] 1 WLR 3465 (CA); [2016] 2 Lloyd’s Rep 432 (CA); [2015] EWHC 666 (Comm) Flaux J:** Counsel for Glencore in long-running dispute over 32 cargoes of counterfeit crude oil.
- **2015:** Counsel for the Sub-Buyers or a new building bulk carrier in a dispute over hatch covers.
- **2015:** Counsel for the Owners in a claim for non-performance of a C.O.A.
- ***Ipartner Pte Shipping v Panacore Resources* [2014] EWHC 3608 (Comm)** Counsel for the applicants in committal proceedings.
- **2013:** Counsel for Owners in a dispute concerning the redelivery of a vessel after a long bareboat charter.
- ***Dolphin Tanker Srl v Westport Petroleum Inc* [2010] EWHC 2617 (Comm).** Counsel for Charterers in a dispute arising from an “oil majors” clause in a time charterparty.
- **2010:** Counsel for the sub charterers in an arbitration claim over the exercise of a lien on sub-hires.
- ***Classic Maritime v Lion Diversified Holdings* [2010] 1 Lloyd’s Rep 59.** Counsel for Classic Maritime in a claim under a contract of affreightment, which was alleged to have been frustrated by reason of the worldwide downturn in international trade.
- **“Aktor” – PT Berlian Laju Tanker v Nuse Shipping** [2008] 2 Lloyd’s Rep 246. – Counsel for the buyers of the vessel in an M.O.A. dispute.
- **“Torm Gertrud”** in collision with the **“New Flame”** which sank off Gibraltar. Counsel for the Owners of the “Torm Gertrud”.
- ***Glencore International v Exter Shipping Ltd* EWCA Civ 524 (Court of Appeal;** shipping, misdelivery of oil cargoes, the jurisdiction of English court to order anti-suit injunction restraining proceedings in Georgia).

Energy & Natural Resources

Richard has acted in several cases for an international oil trader. He is familiar with most aspects of oil trading (including hedging), shipment of oil cargoes, contamination of products, and the U.K. gas market. He is familiar with cases involving force majeure issues and claims arising in emerging and established energy markets globally. He acts as both an advocate and arbitrator in this area.

Selected cases:

- **2022:** Acting as arbitrator concerning the construction of a crude oil pipeline in Eurasia involving complex factual and legal issues involving nationally flagged pipe laying and support barges prohibited from certain waters.
- **2022:** Significant arbitration concerning the correct measure of damages if a bulk carrier becomes unacceptable to shippers due to poor port state control records, raising wider issues about global iron ore markets.
- **2021:** Arbitration concerning an intended sale of a crude oil affected by the collapse in demand for crude oil due to Covid-19.
- **2020:** Arbitration concerning a contaminated cargo of jet fuel.
- **2020:** Arbitration over the rejection of a coal cargo said to have been off-specification involving detailed expert evidence about the sampling and analysis of coal.
- **2020:** Arbitration under LCIA rules arising out of contracts for the construction of subsea oil pipelines and associated riser platforms involving issues of wrongful termination, damages for prevention and related claims and counterclaims for the delay.
- **Classic Maritime v Limbungan Makmur Sdn Bhd:** [2019] EWCA Civ 1102; [2018] EWHC 2389 (Comm): Significant case on “but for” causation under force majeure clauses typical of many sale and purchase contracts of natural resources. The case is an important authority on the proper construction of such force majeure clauses and the correct measure of damages for breach of contract.
- **2018:** Case concerning a contract of the sale of gasoil involving allegations of doping and whether the cargo had been off-specification when shipped, or not. An example of Richard’s written work with his advocacy being dealt with by written submissions in a technically complex case.
- **2017:** Counsel for the claimant in an arbitration claim for damages for wrongful failure to ship cargoes of iron ore from Sierra Leone during the Ebola epidemic involving difficult issues of force majeure.
- **S.T. Shipping and Transport Pte Ltd v Space Shipping Ltd** [2017] EWHC 2808 (Comm): Appeal against an arbitration award in a case concerning an attempted theft of a cargo of Venezuelan crude oil, raising issues on the correct analysis of causation, and provisional damages under the charterparty.
- **2016:** Arbitration concerning oil rig drilling services and security for payment of invoices involving complex legal issues regarding civil fraud and false representations.
- **OMV Petrom v Glencore** [2017] 1 WLR 3465 (CA), [2016] EWCA Civ. 778, [2015] EWHC 666 (Comm) and [2014] EWHC 242 (Comm). Counsel for Glencore in substantial fraud claim arising out of delivery of multiple cargoes of crude oil.
- **2015:** Counsel for the operators or a drillship in an international arbitration against a state oil company.
- **2013:** Counsel in a multi-million-dollar contractual dispute concerning export of alumina from Jamaica.
- **Macquarie v Glencore** [2009] EWHC 2267 (Comm) and [2010] EWCA Civ 697. Counsel for Glencore as defendant in a breach of warranty claim arising out of a share sale and purchase agreement for the sale of a .K.U.K. gas retail business; the claim against Glencore was successfully defended both at first instance and in the Court of Appeal.
- **Glencore Energy v Transworld Oil** [2010] EWHC 141 (Comm). Counsel for Glencore in an oil trading dispute arising out of the

repudiation of an F.O.B. contract for the sale of West African crude oil; the claim was pursued to a successful judgment handed down by Blair J.

- **2010:** Counsel for an international oil trader in an arbitration concerning the delivery of multiple cargoes of crude oil.
- **2009:** Counsel for the buyers in a breach of warranty claim arising out of the sale of a Russian oil company; the claim was successfully pursued to an award in the London Court of International Arbitration in 2009.
- **2008:** Counsel for an international oil trader in an arbitration claim arising out of crude oil swaps contracts.
- ***Glencore International v Metro Trading* [2001] 1 Lloyd's Rep 284** (Conflict of laws, application of *lex situs* to property in moveable goods, proprietary effect of bailee blending stored oil).

General Commercial Disputes

Richard has represented parties in a wide variety of commercial claims, with particular emphasis over the years on commercial fraud, oil related disputes, and mergers and acquisitions disputes.

Selected cases:

- ***Net Insurance SpA v Torzi and others***: [2021] EWHC 26 (Comm) (Daniel Toledano QC sitting as a Deputy Judge of the High Court): Further proceedings regarding this long-running litigation.
- ***Net Insurance SpA v Torzi and others*** (2020) A case raising complex issues of asset tracing, in which leading counsel for the claimant obtained a worldwide freezing order (granted by Teare J.) against several companies and individuals as a result of which the assets were successfully recovered.
- ***Classic v Limbungan*** [2019] EWCA Civ 1102; [2018] EWHC 2389 (Comm): A leading appellate case on the correct measure of damages for breach of contract, marking the fifteenth case in which he has represented that client, across all proceedings and tribunals.
- ***S.T. Shipping And Transport Pte Ltd v Space Shipping Ltd*** [2017] EWHC 2808 (Comm): Appeal against an arbitration award in a case concerning an attempted theft of a cargo of Venezuelan crude oil, raising issues on the correct analysis of causation, and provisional damages under the charterparty.
- **2016:** Arbitration concerning oil rig drilling services and security for payment of invoices involving complex legal issues regarding civil fraud and false representations.
- ***OMV Petrom v Glencore*** [2017] EWCA Civ 195 [2015] EWHC 666 (Comm) and [2014] EWHC 242 (Comm). Counsel for Glencore in substantial fraud claim arising out of delivery of multiple cargoes of crude oil, and latterly important appeal concerning costs under C.P.R. Part 36, where the claimant has beaten its own Part 36 offer.
- ***Ipartner Pte Shipping v Panacore Resources*** [2014] EWHC 3608 (Comm) Counsel for the applicants in committal proceedings.
- ***Dolphin Tanker Srl v Westport Petroleum Inc*** [2010] EWHC 2617 (Comm). Counsel for Charterers in a dispute arising out of an "oil majors" clause in a time charterparty.
- ***Synergy Health (U.K.) Ltd v C.G.U. Insurance*** [2010] EWHC 2583 (Comm) Counsel for defendant insurance brokers in a large fire claim.
- ***Macquarie v Glencore*** [2009] EWHC 2267 (Comm) and [2010] EWCA Civ 697. Counsel for Glencore as defendant in a breach of warranty claim arising out of a share sale and purchase agreement for the sale of a U.K. gas retail business; the claim against Glencore was successfully defended both at first instance and in the Court of Appeal.

- **Glencore Energy v Transworld Oil** [2010] EWHC 141 (Comm). Counsel for Glencore in an oil trading dispute arising out of the repudiation of an F.O.B. contract for the sale of West African crude oil; the claim was pursued to a successful judgment handed down by Blair J.
- **2010**: Counsel for an international oil trader in an arbitration concerning the delivery of multiple cargoes of crude oil.
- **2009**: Counsel for the buyers in a breach of warranty claim arising out of the sale of a Russian oil company; the claim was successfully pursued to an award in the London Court of International Arbitration in 2009.
- **2008**: Counsel for an international oil trader in an arbitration claim arising out of crude oil swaps contracts.
- **Lloyd v Popely** [2000] 1 BCLC 19 and .A.C.A. unreported (Court of Appeal); fraud, dispute between promoters over ownership of shares in Haver golf club, and legality of sale agreement under Financial Services Act.

International Arbitration

About half of Richard's practice involves confidential arbitrations, some before LMAA or GAFTA arbitrators, others in the LCIA or on UNCITRAL terms, and many on the basis of ad hoc agreements. All are confidential. Richard also accepts appointments as arbitrator.

Selected cases:

- **2022**: Counsel for the buyers of a tanker in an arbitration concerning the quality of the steel which suffered corrosion during construction, and eligibility for an unqualified Cargo Ship Safety Construction Certificate.
- **2022**: *Counsel for Insurers in a Buyer's Warranty Insurance Policy insuring against breach of warranty in a share purchase agreement for the share capital in a global corporation.*
- **2021**: Counsel in an arbitration involving issues as to the scope of a special exclusion clause for consequences of calling at Port Sudan.
- **2020-2022**: sitting as arbitrator in a long-running dispute under LCIA rules about the laying of sub-sea pipelines; several Partial Final Awards were published.
- **2018 - 2020**: sitting as sole arbitrator in a dispute concerning a bank-issued repayment guarantee associated with an oil rig building contract.
- **2019**: Counsel for the claimant in an arbitration raising novel issues about notification of third-party Cargo Claims under the InterClub Agreement in the NYPE charter form.
- **2018**: Counsel for the respondents in an appeal to the GAFTA Board of Appeal in a claim concerning a shipment of rice, raising important questions concerning recovery of legal and other expenses in GAFTA arbitrations.
- **2017**: Counsel in various cases concerning the shipment of crude oil, petroleum products, iron ore and ore pellets, as well as a shipbuilding dispute, numerous charterparty disputes.
- **2015**: Counsel for the operators or a drillship in an international UNCITRAL arbitration against a state oil company.
- **2015**: counsel for the Sub-Buyers or a newbuilding bulk carrier in an expedited dispute over hatch covers.
- **2014**: counsel for the owners in a series of arbitrations to recover claims for non-performance of contracts of affreightment.
- **2013**: Counsel for Owners in a dispute concerning the condition on redelivery of a vessel after a long bareboat charter.
- **2013**: Counsel in a multi-million-dollar contractual dispute concerning export of alumina from Jamaica.

- **2010:** Counsel for the Charterers in an expedited arbitration concerning tanker vetting and oil major approvals.
- **2010:** Counsel for the sub charterers in an arbitration claim over the exercise of a lien on sub hires.
- **2010:** Counsel for an international oil trader in an arbitration concerning the delivery of multiple cargoes of crude oil.
- **2009:** Counsel for the Owners of a ballastable barge in a bareboat charterparty arbitration.
- **2009:** Counsel for the buyers in a breach of warranty claim arising out of the sale of a Russian oil company; the claim was successfully pursued to an award in the London Court of International Arbitration in 2009.
- **2008:** Counsel for an international oil trader in an arbitration claim arising out of crude oil swaps contracts.

Professional Negligence

Richard is currently involved in several 'brokers' negligence actions as well coverage claims in respect of construction and other claims.

Selected cases:

- **2021:** Counsel for professional indemnity insurers following claims arising out of allegations of receipt of secret commissions.
- **2022:** Counsel for insurance brokers sued for professional negligence on basis that the policyholder was inadequately insured for business interruption losses due to negligent advice by broker.
- **2020-2022:** Counsel for an insurance broker sued in the Commercial Court for alleged breach of duty in placing a policy. The case raises the question whether and when an insured must disclose that in a previous policy year, there had been an incorrect presentation of the facts to the insurer.
- **2022:** Counsel for an insurance broker in a claim arising out of a fire at a self-storage warehouse.
- **2017:** Counsel for an insurance broker in a case of alleged non-disclosure or previous financial and insurance history.
- **2015:** Counsel for insurance brokers in a claim arising out a fire at a waste recycling plant.
- **2014:** Counsel for placing brokers in a contribution claim by the producing broker.
- **2012:** Instructed by the Bar Mutual in a claim against a commercial barrister.
- **2012:** Advised the owners of a damaged pier in connection with claims against various professionals.
- **2011:** Counsel for a bank in a claim against the employers of a corrupt surveyor.
- ***Synergy Healthcare (U.K.) Ltd v .G.U. C.G.U. and others.*** [2010] EWHC 2583 (Comm) Appeared as leading counsel for the Fifth Defendant broker, against whom the Claimant sought damages for breach of duty if its primary claim for an indemnity under a MD/BI insurance policy – which the defendant insurers had sought to avoid on the grounds of non-disclosure and misrepresentation – failed.
- ***Ramco v Weller Russell & Laws*** [2009] Lloyd's Rep IR 27. Counsel for the claimant, a bailee of goods, against its insurance broker; the claim was pursued to a successful judgment.
- Counsel for Glencore in a claim against insurance brokers JLT in connection with the Metro litigation.
- ***Aneco Reinsurance Underwriting Ltd v Johnson & Higgins*** [2002] 1 Lloyd's Rep 157 (House of Lords – professional negligence, insurance broking, quantification of damages).

Injunctions & Arrests

Selected cases:

- **2021-2022:** Counsel for the reinsurers obtaining an anti-suit injunction restraining pursuit of claims in the Florida by the families of the victims of the Chapeconese air disaster.
- **Harvest Shipping v Fatimafert Ltd [2020]:** Successful application in the Commercial Court for an anti-suit injunction restraining the arrest of a vessel and substantive proceedings in the High Court of Sindh at Karachi.
- **XL Insurance Company v Peter Little [2019] EWHC 1284 (Comm) (Popplewell J.):** final anti-suit injunction restraining proceedings in New York in connection with alleged manipulation of forex markets.
- **Glencore International v Exter Shipping Ltd [2002] EWCA Civ 524 (Court of Appeal; shipping, misdelivery of oil cargoes, jurisdiction of English court to order anti-suit injunction restraining proceedings in Georgia).**

Banking & Finance

Banking and Finance is part of many international trade disputes. Richard is familiar with letter of credit issues, ship financing arrangements and mortgages, pre-finance arrangements and the like.

Selected cases:

- **Net Insurance S.p.A. v Torzi [2021] EWHC 26 (Comm):** Claim to recover misappropriated Italian Treasury Bonds.
- **2018 - 2020:** sitting as sole arbitrator in a dispute concerning a bank-issued repayment guarantee associated with an oil rig building contract.
- **2018:** Expert evidence in a Grain and Feed Trade Association (GAFTA) dispute as to the proper effect of an agreement to amend a letter of credit.
- **OMV Petrom SA v Glencore International [2015] EWHC 666 (Comm): [2016] EWCA Civ. 778:** Counsel for Glencore in substantial fraud claim arising out of delivery of multiple cargoes of crude oil involving letters of credit. A leading case concerning the measure of damages for deceit.
- **2015:** Advised lenders in connection with defaults under two bareboat charters of the semisubmersible drilling platforms
- Advised manufacturing company in connection with losses under a fake president fraud.
- **Macquarie v Glencore [2009] EWHC 2267 (Comm) and [2010] EWCA Civ 697.** Counsel for Glencore as defendant in a breach of warranty claim arising out of a share sale and purchase agreement for the sale of a K.U.K. gas retail business, and whether the Accounts were “true and fair” or “misleading”; the claim against Glencore was successfully defended both at first instance and in the Court of Appeal.
- **Lloyd v Popely [2000] 1 BCLC 19 and CA (Unreported) (Court of Appeal);** fraud, dispute between promoters over ownership of shares in Hever golf club, and legality of sale agreement under the Financial Services Act.

Education

1983-1986 St. Catharine's College, Cambridge; First Class Honours in Law.

1986-1987 Inns of Court School of Law; First Class, Lord Scarman Scholarship. Called to the Bar by Middle Temple in 1987. Silk 2006

Languages: French (Basic knowledge)