

## The Hon Sir Bernard Eder



Bernard Eder (dob 1952) practised as a barrister at 4 Essex Court, Temple and (when Chambers moved) at Essex Court Chambers in Lincoln's Inn Fields for almost 35 years between 1976-2010 specialising in commercial litigation and international arbitration covering a wide range of commercial disputes including shipping, international trade, insurance/reinsurance, banking, construction (including shipbuilding), commodities and energy law. He was appointed Queen's Counsel in 1990, Recorder in 1996 and a Justice of the High Court of England and Wales (QBD) in 2011.

During his practice at the English Bar, he acted as Counsel in over 100 reported cases (including in the Commercial Court, the Court of Appeal, the House of Lords and the Privy Council) and over 200 international arbitrations including many on the Bermuda Form. He also acted as Counsel in numerous foreign jurisdictions (including Singapore, Gibraltar and various Courts in the Caribbean) as well as arbitrator under the aegis of the ICC, the LCIA and the LMAA and on an *ad hoc* basis.

As a High Court Judge, he sat mainly in the Commercial Court in London presiding over a number of high-profile trials. He also sat from time to time in the general Queen's Bench Division, the Administrative Court and Court of Appeal (Criminal Division) as well as on circuit at various Crown Courts across England presiding over criminal trials. He retired from the Bench on 1 April 2015 and returned to Chambers as an arbitrator/mediator. On 7 May 2015, he was appointed an International Judge of the Singapore International Commercial Court. In June 2016, he was appointed an Acting Judge of the Eastern Caribbean Supreme Court sitting in the Commercial Court, British Virgin Islands.

He regularly delivers lectures/speeches in the UK and in other parts of the world.

A list of his most notable reported cases as Counsel, Judgments, most recent speeches and appointments/activities are set out in the Appendix.

He now accepts appointments as arbitrator or mediator; and as an expert on English Law. He is a member of the ICC, LCIA, LMAA (supporting member), FCIArb, SIAC (Panel Member), SCMA and FHKI Arb.

Essex Court Chambers, 24 Lincoln's Inn Fields, London WC2A 3EG, England  
Tel: +44 (0) 207 813 8000 Email: [beder@essexcourt.com](mailto:beder@essexcourt.com)

## The Hon Sir Bernard Eder - APPENDIX

### I. Notable Reported Cases as Counsel: 1976-2010

Most notable reported cases<sup>1</sup> as Counsel when in practice between 1976-2010 include (in reverse chronological order):

*AES Ust-Kamenogorsk Hydropower Plant Llp v Ust-Kamenogorsk Hydropower Plant JSC* [2011] EWCA Civ 647;

*ENE 1 Kos Ltd v Petroleo Brasileiro SA (The Kos)* [2010] EWCA Civ 772;

*Oceanbulk Shipping & Trading SA v TMT Asia Ltd* [2010] EWCA Civ 79;

*Kolden Holdings Ltd v Rodette Commerce Ltd & Anor* [2008] EWCA Civ 10;

*Korea National Insurance Corp (KNIC) v Allianz Global Corporate & Speciality AG* [2008] EWCA Civ 1355;

*Swift-Fortune Ltd v Magnifica Marine SA (The Capaz Duckling)* [2007] EWHC 1630 (Comm)

*Kastor Navigation Co Ltd & Anor v AXA Global Risks (UK) Ltd (The Kastor)* [2004] EWCA Civ 277;

*Okta Crude Oil Refinery AD v Mamidoil-Jetoil Greek Petroleum Company SA & Anor* [2003] EWCA Civ 1031;

*Flacker Shipping Ltd v Glencore Grain Ltd (The Happy Day)* [2002] EWCA Civ 1068;

*Taylor & Anor v Lawrence & Anor* [2002] EWCA Civ 90;

*Shanning International Ltd & Others v Rasheed Bank & Others* [2001] UKHL 31;

*Investigation into the Loss of the Derbyshire* (instructed on behalf of Lloyd's Register) (2000);

*China Shipbuilding Corp v Nippon Yusen Kabukishi Kaisha and Galaxy Shipping Pte Ltd (The Seta Maru, Saikyo and Suma)* [2000] 1 Lloyd's Rep 367

*Red Sea Tankers Ltd & Ors v Papachristides & Ors* [1997] 2 Lloyd's Rep 547

*Deeny & Ors v Gooda Walker Ltd & Ors* (1996) 5 ReLR (HL);

*Mercedes-Benz AG v Leiduck* [1995] 2 Lloyd's Rep 417 (PC);

*International Fina Services AG v Katrina Ltd & Tonen Tanker Kabushiki Kaisha (The Fina Samco)* [1995] 2 Lloyd's Rep 344 (CA);

*Sumitomo Bank Ltd v Kartika Ratna Thahir & Ors* [1994] 3 SLR(R) 312, (Singapore CA) and [1992] SGHC 301 (Singapore HC);

*Henderson v Merrett Syndicates* [1994] UKHL 5;

*Willtops (Asia) Ltd v The Owners of the Tug Sumi Maru 9001* [1993] 1 SLR 198 (Singapore CA);

*The Varna* [1993] 2 Lloyd's Rep. 253

*Chiswell Shipping Ltd & Liberian Jaguar Transports Inc v National Iranian Tanker Co (The World Symphony)* [1992] 2 Lloyd's Rep 115

---

<sup>1</sup> Comm = Commercial Court; EWCA/CA = Court of Appeal; UKHL/HL = House of Lords; PC = Privy Council

*Hancock Shipping Co. Ltd v Kawasaki Heavy Industries Ltd* [1991] 2 Lloyd's Rep 237 (CA);  
*J H Rayner (Mincing Lane) Ltd v Dept of Trade and Industry (re: The Tin Council)* [1990] 2 AC 418 (HL);  
*Colonial Bank v European Grain & Shipping Ltd (The Dominique)* [1989] 1 Lloyd's Rep 431 (HL);  
*Seacrystal Shipping Ltd v Bulk Transport Group Shipping Co Ltd (The Kyzikos)* [1989] 1 Lloyd's Rep 1 (HL);  
*Republic of Haiti v Duvalier* [1989] 1 Lloyd's Rep 673 (CA);  
*Food Corporation of India v Antclizo Shipping Corporation (The Antclizo)* [1988] 2 Lloyd's Rep 93 (HL);  
*Schiffshypothekenbank Zu Luebeck AG v Compton (The Alexion Hope)* [1988] 1 Lloyd's Rep 311 (CA);  
*Aden Refinery Co Ltd v Ugland Management Co Ltd (The Ugland Obo)* [1986] 2 Lloyd's Rep 336 (CA);  
*Ninemia Maritime Corporation v Trave Schiffahrtsgesellschaft mbH (The Niedersachsen/The Ninemia)* [1986] 1 Lloyd's Rep 397 (CA);  
*Settebello Ltd v Banco Totta & Acores* [1985] 2 Lloyd's Rep 448 (CA);  
*Damon Compania Naviera SA v Hapag-Lloyd International SA (The Blamkenstein)* [1985] 1 Lloyd's Rep 93 (CA);  
*Antaios Compania Naviera SA Salen Rederierna AB (No 2) (The Antaios)* [1983] 2 Lloyd's Rep 473 (CA);  
*Vinava Shipping Co Ltd v Finelevet AG (The Chrysalis)* [1983] 1 Lloyd's Rep 503 (Comm);  
*Shell International Petroleum Co Ltd v Gibbs (The Salem)* [1983] 1 Lloyd's Rep 342 (HL);  
*Compagnie General Maritime v Diakan Spirit SA (The Ymnos)* [1982] 2 Lloyd's Rep 574 (Comm);  
*BTP Tioxide v Pioneer Shipping Ltd & Armada Marine SA (The Nema)* [1981] 2 Lloyd's Rep 239 (HL);  
*The Maritime Trader* [1981] 2 Lloyd's Rep 153 (Adm Ct);  
*Antco Shipping Ltd v Seabridge Shipping Ltd (The Furness Bridge)* [1979] 2 Lloyd's Rep 267 (CA).

## **II. Notable Judgments in the High Court of Justice, England and Wales (2011+)**

### ***A. Arbitration***

*Rotenberg v Sucafina SA* [2011] EWHC 901 (Comm)

*Enercon GmbH & another v Wind World (India) Ltd* [2012] EWHC 689 (Comm); [2014] EWHC 4049 (Comm)

*Diag Human Se v Czech Republic* [2014] EWHC 1639 (Comm)

*Konkola Copper Mines plc v U&M Mining Zambia Ltd* [2014] EWHC 2146 (Comm)

*Lorand Shipping Ltd v Davof Trading (Africa) BV* [2014] EWHC 3521 (Comm)

*Union Marine Classification Services LLC v The Govt of the Union of Comoros* [2015] EWHC 508 (Comm)

*Y v S* [2015] EWHC 612 (Comm)

*S v A & B* [2016] EWHC 846 (Comm)

*Sino Channel Asia Ltd v Dana Shipping and Trading PTE Singapore & Anor* [2016] EWHC 1118 (Comm)

### ***B. Banking/Finance***

*National Westminster Bank plc v Binney* [2011] EWHC 694 (QB)

*Welven Ltd v Soar Group Ltd & another* [2011] EWHC 3240 (Comm)

*Standard Life Assurance Ltd v ACE European Group & others* [2012] EWHC 104 (Comm)

*Aston Hill Financial Inc & others v African Minerals Finance Ltd* [2012] EWHC 2173 (Comm)

*Saltri III Ltd v MD Mezzanine SA Sicar & others* [2012] EWHC 3025 (Comm)

*Intesa Sanpaolo SPA v Regione Piemonte* [2013] EWHC 1994 (Comm)

*Otkritie International Investment & others v Urumov & others* [2014] EWHC 191 (Comm); [2014] EWHC 755 (Comm); [2014] EWHC 1323 (Comm)

*Taberna Europe CDO II Plc v Selskabet AF1* [2015] EWHC 871 (Comm)

### ***C. Conflicts of Law/Jurisdictional disputes***

*Katsouris Bros Ltd & another v Haitoglous Bros SA & another* [2011] EWHC 111 (Comm)

*Nomura International plc v Banca Monte Dei Paschi Di Siena SpA* [2013] EWHC 3187 (Comm)

*Surrey (UK) Ltd v Mazandaran Wood & Paper Industries* [2014] EWHC 3165 (Comm)

### ***D. Energy***

*Cadogan Petroleum Holdings Ltd v Global Process Systems LLC* [2013] EWHC 214 (Comm)

*Energy Venture Partners Ltd v Malabu Oil & Gas Ltd* [2014] EWHC 663 (Comm)

*Unaoil Ltd v Leighton Offshore Pte Ltd* [2014] EWHC 2965 (Comm)

## ***E. Fraud***

*Templeton v Motorcare Warranties & others* [2012] EWHC 795 (Comm); [2012] EWHC 2309 (QB)

*Otkritie International Investment & others v Urumov & others* [2014] EWHC 191 (Comm); [2014] EWHC 755 (Comm); [2014] EWHC 1323 (Comm)

## ***F. Insurance***

*Aviva Insurance v Brown* [2011] EWHC 362 (QB)

*Mujur Bakat Sdn Bhd v Uni Asia General Insurance Berhad & others* [2011] EWHC 643 (Comm)

*Ted Baker plc & another v AXA Insurance UK plc & others* [2012] EWHC 1406 (Comm); [2014] EWHC 3548 (Comm)

*Beazley Underwriting Ltd v Al Ahleia Insurance Co & others* [2013] EWHC 677 (Comm)

*Federal Mogul Asbestos Personal Injury Trust v Federal Mogul Ltd & others* [2014] EWHC 2002 (Comm)

*Sugar Hut Group Ltd & others v AJ Insurance* [2014] EWHC 3352 (Comm); [2014] EWHC 3775 (Comm)

*Teal Assurance Co Ltd v W R Berkely Insurance Europe & Anor* [2015] EWHC 1000 (Comm)

## ***G. Professional Negligence***

*Eagle v Redlime Ltd* [2011] EWHC 838 (QB)

*Capita Alternative Fund Services (Guernsey) Ltd & another v Drivers Jonas (a firm)* [2011] EWHC 2336 (Comm)

## ***H. Shipping***

*Riva Bella SA v Tamsen Yachts GmbH* [2011] EWHC 2338 (Comm)

*Parbulk II A/S v Heritage Maritime Ltd SA* [2011] EWHC 2917 (Comm)

*Eitzen Bulk A/S v TTMI SARL* [2012] EWHC 202 (Comm)

*Finmoon Ltd & another v Baltic Reefers Management Ltd & others* [2012] EWHC 920 (Comm)

*Nestor Maritime SA v Sea Anchor Shipping Co Ltd* [2012] EWHC 996 (Comm)

*MRI Trading AG v Erdenet Mining Corporation LLC* ([2012] EWHC 1988 (Comm))

*ED&F Man Sugar Ltd v Unicargo Transportgesellschaft mbH* [2012] EWHC 2879 (Comm)

*Falkonera Shipping Co v Arcadia Energy PTE Ltd* [2012] EWHC 3678 (Comm)

*Hyundai Merchant Marine Co Ltd v Americas Bulk Transport Ltd* [2013] EWHC 470 (Comm)

*Soufflet Negoce SA v Fedcominvest Europe SARL* [2014] EWHC 2405 (Comm)

*Austen & another v Pearl Motor Yachts Ltd* [2014] EWHC 3544 (Comm)

*Aston FFI v Louis Dreyfus* [2015] EWHC 80 (Comm)

*Carlos Soto Sau v AP Moller-Maersk* [2015] EWHC 458 (Comm)

*SBT Star Bulk & Tankers (Germany) GmbH & Co KG v Cosmotrade SA* [2016] EWHC 583 (Comm)

### ***I. Miscellaneous***

*London Underground Ltd v ASLEF* [2011] EWHC 3506 (QB); [2012] IRLR 196

*Thomas Brown Estates Ltd v Hunters Partners Ltd* [2012] EWHC 21 (QB)

*Elektromotive Group Ltd v Pan* [2012] EWHC 2742 (QB)

*R (on the application of Nouazli) v Secretary of State for the Home Department* [2013] EWHC 567 (Admin)

*McDaid v Nursing & Midwifery Council* [2013] EWHC 586 (Admin)

*R (on the application of Sinha) v Secretary of State for the Home Department* [2013] EWHC 711 (Admin)

*R v (1) Gyrus Group Ltd & (2) Olympus Corporation*, T20137476. T20137477, Southwark Crown Court (February 2014)

*Tchenguiz & others v Serious Fraud Office* [2014] EWHC 1103 (Comm); [2014] EWHC 2379 (Comm); [2014] EWHC 1102 (Comm); [2014] EWHC 2597 (Comm); [2014] EWHC 1315 (Comm); [2014] EWHC 4199 (Comm)

*Rawlinson & Hunter Trustees SA (Trustee of the Tchenguiz Discretionary Trust) v Serious Fraud Office* [2015] EWHC 937 (Comm); [2015] EWHC 266 (Comm)

*Khanty-Mansiysk Recoveries Ltd v Forsters LLP* [2016] EWHC 522 (Comm)

### **III. Examples of appointments as arbitrator/mediator etc. [\* = sole]**

Claims for approximately US\$30 million under interlocking agreements concerning investment in Eastern Europe (ICC)

\*Claims for approximately US\$20 million in connection with a construction project in Eastern Europe (ICC)

Various claims/cross claims for declaratory relief in relation to £2 billion construction project in the North Sea (LCIA)

Claims totalling in excess of US\$70 million in relation to finance agreement and ancillary security documentation of two crude oil tankers (LCIA)

Claims totalling approx. US\$450 million in relation to construction of a semi-submersible rig (LMAA)

Claims totalling approx. US\$200 million in relation to alleged repudiation of two parallel shipbuilding contracts and related arbitrations under bank guarantees (LMAA)

Claims totalling approx. US\$20 million for outstanding instalments due under two linked shipbuilding contracts (LMAA)

Claims under a charterparty totalling approx. US\$5m relating to attack of a vessel by pirates of Somalia (LMAA)

Insurance claims (physical loss and BI) approx. £40 million arising out of damage to power station in Far East

Cargo claim - dispute as to applicable limit of liability under a bill of lading (LMAA)

Claims totalling approx. US\$15 million for outstanding instalments due under three parallel shipbuilding contracts and related arbitrations under bank guarantees (LMAA)

\* Three separate but linked claims for indemnity under charterparties arising out of arrest proceedings in the Far East.

\* Claim for declaration as to exercise of a lien and cross-claim for delivery up of cargo.

\* Early neutral evaluation in relation insurance claims under a Bermuda Form type policy totalling approx. US\$50 million.

\* Claim for indemnity under a charterparty in respect of liability arising out of death of stevedore.

\*Mock trial – claims totalling approx. US\$150 million in relation to share sale agreement.

\*Mediation of claims and cross-claims totalling approx. US\$3 million in connection with general average.

#### **IV. Judgments in other Jurisdictions**

##### Singapore International Commercial Court

- *Teras Offshore Pte Ltd v Teras Cargo Transport (America) LLC*. [2016] SGHC I(02)

##### Commercial Court, British Virgin Islands

- *Shrimpton v Dragon Capital & Ors* (2016) BVIHC (Com) 214/171
- *Iu Chung & Yao Yuan v Greater Achieve Limited* (2016) BVIHC (Com) 215/140
- *Eurochem v Dearborn Enterprises* (2016) BVIHC (Com) 215/97

#### **V. Notable Recent Speeches/Seminars/Lectures**

*Enforcement of Awards under the New York Convention*: Guest Lecturer, Faculty of Law, Hebrew University of Jerusalem (2016)

*Legal Business Litigation Summit: Keynote Speech* (2016)

*Does Arbitration stifle the development of the law ? Should s.69 be revitalised ?*, Chartered Institute of Arbitrators, London Branch AGM, Keynote Address (2016)

*Litigation Conference Workshop, Keynote Speech*, Law Society of Singapore (2016)

*International Commercial Arbitration Senior Practitioner Lecture*, University of Oxford - (2016)

*Recent Developments in Shipping Law*: Asian Institute of International Finance Law (AIIFL), Faculty of Law, University of Hong Kong, Senior Executive Programme (2016)

*Advocacy in International Tribunals*: Singapore Academy of Law/Singapore International Commercial Court/Essex Court Chambers (2016)

*Domestic and International Arbitration*: Visiting Guest Lecturer, University College, London University (2015)

*The Singapore International Commercial Court: Jurisdiction & Procedures* – COMBAR (2015)

*The Interface between the Courts and Tribunals* – LCIA Moscow Symposium (2015)

*The Construction of Shipping and Marine Insurance Contracts: Why is it so difficult?* - Donald O'May Lecture, Institute of Maritime Law, University of Southampton (2015), [2016] LMCLQ 220

*International Trade & Shipping* – International Maritime Law Institute (IMLI), Malta (2015)

*Maritime Arbitration Law & Practice: Recent Developments & Future Direction* – Hong Kong Centre for Maritime & Transportation Law/City University, Hong Kong (2015)



*Key Role of State Courts before the Commencement of Arbitral Proceedings: referral to arbitration and provisional/conservatory measures* - UNCITRAL Asia-Pacific Judicial Summit, Hong Kong (2015)

*Judges and Arbitrators: The Pendulum Swings - The changing relationship* - Singapore Chamber of Maritime Arbitration (SCMA) (2015)

*The Courts – Role, Support and Enforcement* – (Co-Chair) Singapore Institute of Arbitrators, Commercial Arbitration Symposium (2015)

*Astra v Spar: Is the obligation to pay hire a “condition”?* - Shipping and the Law Conference, Naples (2015)

*Post-breach Events: Do they Matter ?* International Congress of Maritime Arbitrators XIX, Hong Kong (2015)

*A view from the London Commercial Court – Recent Arbitration Cases:* HKI Arb/ICS (HK Branch) (2015)

*Issue Estoppel under the New York Convention:* Centre for Comparative and Public Law, Hong Kong University (2015); Asia-Pacific Forum for International Arbitration (AFAIA) (2015)

*Heavy Case Management:* COMBAR, Singapore (2015)

*Challenges to Arbitration Awards at the Seat:* Mauritius International Arbitration Conference (2014)

*Family Finance Arbitration:* CI Arb, London (2014)

*Advocacy:* COMBAR, London (2013)

*30 Years Before The Mast:* Institute of Maritime Law, University of Southampton/Tulane Maritime Law Center, Shanghai (2013), [2013] L.M.C.L.Q. 42

*Wrongful Arrest of Ships: A Time for Change:* Tulane Maritime Law Center, New Orleans (2013), Tulane Maritime Law Journal (vol 38, p115)

*Charterparties in Practice:* University of Southampton (2013)

*How to be a ~~Good~~ Great Litigator:* London (2013)

*Proprietary Claims – Recent Developments:* Distinguished Speaker Lecture, Singapore Academy of Law, Singapore (2012)

## **VI. Notable appointments/activities/publications**

Downing College, Cambridge (1971-1974), First Class Honours, Law Tripos I&II

Manual on the Law of Oil Pollution (London Group of P&I Clubs) (1976)

Barrister [Inner Temple] (1976)

Member, 4 Essex Court/Essex Court Chambers, London (1976-2010)

Queen's Counsel (1990)

Recorder (1996)

Visiting Professor, University College London (1999-2003)

Legal Business Litigation Team of the Year with Brian Dye, Edmund King and Allen & Overy (2003)

Bencher, Inner Temple (2007-)

Senior Editor, *Scrutton on Charterparties and Bills of Lading* (2011) 22<sup>nd</sup> Edition & Supplements; (2015) 23<sup>rd</sup> Edition;

Justice of the High Court of England & Wales (2011-2015)

Knight Bachelor (2011)

Chair, Advisory Council, Langdon (2012-2013)

Chair, Inns of Court Bar Educational Trust (ICBET) (2013-)

Chair, The Insurance and Reinsurance Arbitration Society, [ARIAS], (UK) (2015-)

International Judge, Singapore International Commercial Court (2015-)

University of Southampton, Member, Institute of Maritime Law (2015-)

University College London, Visiting Guest Lecturer (2015)

Hong Kong University, Honorary Visiting Professor (2016)

Hebrew University of Jerusalem, Visiting Guest Lecturer (2016)

Acting Judge of the Eastern Caribbean Supreme Court sitting in the Commercial Court, British Virgin Islands (June-July 2016)

Financial Reporting Council, Member of Tribunal Panel under the FRC's Accountancy and Actuarial Schemes; the FRC's Auditor Regulatory Sanctions Procedure and Crown Dependencies Recognised Auditor Regulatory Sanctions Procedure; and the Tribunal and Appeal Panel in respect of the FRC's Audit Enforcement Procedure (July 2016-)