



Barristers | Mediators | Arbitrators
+44 (0)20 7421 8000
4 Field Court, Grays Inn, London WC1R
5EF



Thomas Steward

Call: 2011

Barrister

BA, Classics, Brasenose College, Oxford: Double First MA (Oxon)

Areas of Experience

- International Trade and Finance
- Shipping
- Commercial Litigation
- Arbitration

Contact Clerks

Telephone: 020 7440 6900
Email: clerks@36stone.co.uk



Testimonials

He is user-friendly and has a detailed approach.

Legal 500

Practice Profile

Tom has a wealth of experience in all areas of shipping. He is frequently instructed to appear in arbitration or in the High Court, both led and un-led, and has often appeared on his own against leading silks. He previously taught the International Trade module for the BPTC course at BPP University in London, and has undertaken secondments at several of the major shipping firms in London.

Tom's experience covers all the major arbitral institutions (LMAA, LCIA, SCMA, ICC) and includes: cargo claims, charterparty disputes (including speed and performance claims, late/early redelivery claims, laytime/demurrage claims, unsafe port claims, bunker disputes), claims under contracts of affreightment, shipbuilding and ship conversion cases, offshore disputes (including cases involving Supplytime and Towcon form contracts).

He is also often involved in pre-action disputes, such as interim applications for security or injunctions, the arrest and sale of vessels, and bunker arrests.

Tom has wide experience of wet shipping, and advised and acted on numerous disputes. His experience

covers both liability and quantum in a number of collisions, as well as issues surrounding the constituting of limitation funds, salvage and LOF.

Tom also regularly acts in cases involving transport by road and air, including claims under the CMR Convention and Montreal Convention, and the EC Regulation No. 261/2004

Work Undertaken

- *Amelie Navigation Corp v Ugo Hannah Energy Limited*: acted as sole counsel in a successful application for an anti-suit injunction in the High Court
- Acted in an 8-day hearing with Robert Thomas QC in a dispute concerning damage to a cargo of bananas
- Acted in a 5-day arbitration with Robert Thomas QC in a dispute concerning a damaged cargo of maize
- Acted in a 3-day arbitration as junior counsel to Robert Bright QC on an unsafe port claim
- Instructed in two COA disputes, both worth in excess of US\$1 million involving a defence of force majeure
- *Giles v Polarcus* [2016] EWHC 1843 (Admlty): acted for the successful Defendant in an application brought by the Claimant for substitution of parties after the expiry of the limitation period
- Acted as sole counsel in a successful 5-day arbitration (ad hoc) for US\$3.5 million concerning commodity derivatives trading. The hearing involved cross-examination of factual and expert witnesses
- *The Anna Bo* [2015] 2 Lloyd's Rep 578: sole counsel resisting an anti-suit injunction in the High Court
- *Airplanes Finance Ltd v Precision Air Services Ltd* [2014] EWHC 4405 (TCC): Tom acted as sole counsel in an application for adjournment followed by a trial in the High Court concerning the lease of an aircraft
- Acted as junior counsel to Vasanti Selvaratnam QC in a multi-million dollar arbitration for unpaid hire under bareboat charterparties. The case involved arguments of early redelivery, repudiatory breach, breach of covenant for quiet enjoyment, equitable set off and alleged off-hire due to piracy
- Acted for the successful applicants in a preliminary issue on the interpretation of s. 190 of the Merchant Shipping Act 1995
- London Arbitration 20/14: successful claim for demurrage, raising issues of fault and consequential delay

Highlights

- Instructed as junior counsel to Robert Thomas QC in an appeal under s.69 of Arbitration Act 1996, due to be heard in February 2018
- Instructed as junior counsel to Vasanti Selvaratnam QC in a multi-million dollar dispute concerning the sale of coal
- Instructed in a series of related shipbuilding disputes, due for hearing in 2018
- Instructed as sole counsel in a cargo claim concerning a damaged cargo of salt
- Instructed as sole counsel in a dispute concerning conversion of a gas carrier
- Instructed as sole counsel in a dispute involving personal injury onboard a vessel

Insurance

Tom's work almost invariably includes insurance aspects, and he regularly gives opinions for use in foreign proceedings and acts for insurers in relation to insurance disputes. Recent work has included:

- Advising on coverage under an insurance policy for an STS operation;
- Advising in ongoing proceedings concerning alleged negligence by a contractor;
- Advising on the scope of P&I policy wording;
- Advising on a Marine Cargo and Delay in Start Up insurance policy, including issues of interpretation of a warranty provision and a jurisdiction clause and questions concerning insurable interests.

General Commercial

Tom regularly advises and appears in the High Court and County Courts on a range of commercial disputes.

He is often instructed as sole counsel for urgent applications for injunctions and related relief in the High Court (including freezing injunctions, both domestic, worldwide and under the Court's Chabra jurisdiction). Tom is also regularly instructed to appear as counsel in applications for Norwich Pharmacal orders and related applications for disclosure.

Tom completed his pupillage at a leading chancery set and has a wide range of experience in company and insolvency matters, including bankruptcy, winding up petitions, charging orders and applications to set aside statutory demands.

Recent experience includes:

- *Deutsche Bank v CIMB Bank Berhad*: acted as junior counsel to Vasanti Selvaratnam QC in a claim worth around US\$10 million made under various letters of credit
- *Housemaker Services Ltd v Cole & Cole-Williams* [2017] EWHC 753 (Ch): acted as sole counsel for the successful Defendant
- resisting an application in the High Court for a limitation direction under s. 1028 of the Companies Act 2006
- *AB Bank Limited, Off-Shore Banking Unit (OBU) v Abu Dhabi Commercial Bank PJSC* [2016] EWHC 2082: assisting Rachel Toney in an application for Norwich Pharmacal relief in the High Court
- Instructed as sole counsel in a dispute involving commission payments for recruitment firm
- Instructed as sole counsel in a High Court claim for unpaid accountants' fees
- Assisting as one of a large counsel team in a multi-million dollar shareholder dispute in the High Court
- Instructed as sole counsel in a claim for an account relating to alleged fraudulent accounts in the High Court
- Acted as sole counsel in several cases successfully obtaining urgent freezing injunctions and Norwich Pharmacal orders in the High Court in relation to fraudulent transaction, and later enforcement proceedings including Third Party Debt Orders
- Instructed to advise on jurisdictional issues and to settle High Court pleadings in a US\$5 million dispute concerning investments in technology companies
- *The Anna Bo* [2015] 2 Lloyd's Rep 578: sole counsel resisting an anti-suit injunction in the High Court
- Acted as sole counsel in a successful 5-day arbitration (ad hoc) for US\$3.5 million concerning commodity derivatives trading. The hearing involved cross-examination of factual and expert witnesses
- Instructed to advise on a partnership dispute concerning a business running a floating nightclub
- Assisting with a multi-million dollar claim in Hong Kong involving allegations of fraud, misappropriation of company assets, dissipation of company funds, diversion of business opportunities, and breach of PRC statutory duties
- In 2014/2015, Tom was heavily involved in the high-profile claim brought by the Tchenguiz brothers against the Serious Fraud Office and various satellite litigation.

Education & Awards

2011 – MA (Oxon)

2011 – BPTC, City University: Outstanding

2010 – Diplock Scholarship, Middle Temple, BPTC year

2010 – GDL, City University: Distinction

2009 – Diplock Scholarship, Middle Temple, GDL year

2008 – BA, Classics, Brasenose College, Oxford: Double First

2006-2008 – Scholar, Brasenose College, Oxford