

COMMERCIAL DISPUTES WEEKLY – ISSUE 21

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BITE SIZE KNOW HOW FROM THE ENGLISH COURTS

We appreciate that our clients, partners and friends are currently facing unprecedented challenges as a result of the spread of the COVID-19 virus. Click [here](#) for a message from our Managing Partners, and [here](#) for all of our latest updates and articles on the subject. If you have any questions or require support, please do not hesitate to speak to your usual contact at WFW.

Arbitration

In a significant decision concerning measures in support of arbitration, the Court of Appeal has confirmed that the English court has power to order a non-party to give evidence by deposition in relation to a foreign arbitration, but the question of whether the court has power to make other orders against non-parties pursuant to the Arbitration Act 1996 has been left for another day. *A & Anr v C & Ors*

"No defence, however strong, by itself justifies a failure to engage in any kind of alternative dispute resolution."

DSN v Blackpool Football Club Ltd (Rev 1)

Maritime

The Admiralty Court has taken a rare decision to set aside an order for sale of a vessel, but has emphasised that, in order to protect the service it provides to the maritime community, the court should generally be reluctant to set aside a sale and it should certainly not become the practice.

Qatar National Bank (QPSC) v The Owners of the Yacht Force India

Maritime

Continuing a recent series of cases on the interpretation of charterparty time bar clauses (see our articles [here](#) and [here](#) for details), the Commercial Court has found that an obligation to provide "all supporting documents" in support of a claim for demurrage included an obligation to provide bills of lading.

Tricon Energy Ltd v MTM Trading LLC

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Maritime

The Admiralty Court has found that a contract for the drydocking, conversion and painting of a vessel was entered into on behalf of the vessel's owners as undisclosed principals. They were therefore liable on a claim for the cost of the works in personam, and a claim could be brought in rem against the vessel.

Turks Shipyard Limited v The Owners of the Vessel November

Settlement

Emphasising the importance of taking a reasonable approach to settlement, the High Court has awarded a claimant costs on the indemnity basis in circumstances where the defendant rejected an invitation to negotiate, given its belief in the strength of its defence and that no purpose would be served by alternative dispute resolution.

DSN v Blackpool Football Club Ltd (Rev 1)

FOR MORE INFORMATION

Should you wish to discuss any of these cases in further detail, please speak with a member of our London dispute resolution team below, or your regular contact at Watson Farley & Williams:

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