

COMMERCIAL DISPUTES WEEKLY – ISSUE 23

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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.

Contract

Applying the now well-known “unitary exercise” of contractual construction, the Court of Appeal has found that although there were strong linguistic grounds for accepting the claimant’s interpretation of a sub-clause when viewed in isolation, viewing the contract as a whole and in its commercial setting, in fact the defendants’ construction was to be preferred.

Teeside Gas Transportation Ltd v CATS North Sea Limited & Ors

"I have no hesitation whatsoever in rejecting [the] submission that to proceed with a remote trial in this case would be inconsistent with the guidance issued by the Prime Minister."

Re One Blackfriars Limited

Covid-19

In a case which demonstrates the determination of the English courts to continue to operate notwithstanding the Covid-19 pandemic, the High Court has refused to adjourn the June trial of a claim against a company’s former administrators, holding that the primary and secondary legislation passed in relation to the crisis, as well as the guidance given by the judiciary, sends a clear message that hearings should continue remotely as long as that can be done safely.

Re One Blackfriars Limited

Demands

Providing a helpful reminder on the importance of clarity when serving demands for payment under guarantees, the Commercial Court has held that an email stating “we therefore hereby serve this Notice for non-payment” could constitute a demand for payment or simply be a notice of non-payment, and therefore did not constitute a formal demand. However, a subsequent demand sent by the claimant was

sufficiently clear.

Korea Shipbuilding & Offshore Engineering Co Ltd & Anr v F Whale Corporation & Anr

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Enforcement

The Court of Appeal has emphasised the importance of waiting until the time to appeal against an order registering a foreign judgment in England and Wales has expired before taking steps to enforce, holding that issuing a Writ of Control early was unlawful and that a bankruptcy petition issued after the Writ was left unsatisfied had been rightfully dismissed.

Islandsbanki Hf & Ors v Stanford

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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