

MARITIME DISPUTES NEWSLETTER – JULY 2021

15 JULY 2021 • ARTICLE



Welcome to the fifth edition of Watson Farley & Williams' maritime disputes newsletter.

Recent months have continued to see significant upheaval across the world as a result of the Covid-19 pandemic, and we are now starting to see the effects in the judgments of English courts and LMAA tribunals. However, the breadth of the disputes that can and do arise in a maritime context are also demonstrated by this edition, which covers:

A number of significant **RECENT MARITIME DECISIONS** made by the English courts on a very wide range of topics, including:

- The effect of an invalid notification, and entitlement to terminate;
- Supreme Court guidance on the application of the Collision Regulations;
- A WFW case concerning the circumstances in which claims against bareboat charterers can be enforced *in rem*; and
- The approach taken by English courts where claims are brought in breach of exclusive jurisdiction or arbitration provisions.

The return of **DECISIONS OF LMAA TRIBUNALS**, published in association with the Lloyd's Maritime Law Newsletter, which give important and useful insight into the current approach to knotty issues in maritime law, including:

- When laytime starts to run;
- The meaning of "average damage affecting Class"; and
- When a deduction from hire can be made for underperformance.

Decisions made by the English courts on **MORE GENERAL CONTRACT TOPICS**, which include:

- The interpretation of exclusion clauses;
- The Supreme Court's long-awaited decision concerning an arbitrator's duties of disclosure; and
- The operation of material adverse effect clauses.

WATSON FARLEY & WILLIAMS

In happier news, this year has also seen the continued expansion of our maritime disputes practice, and in January we were pleased to welcome highly respected, and well-known maritime disputes expert Mike Phillips to the team. You can read more about his arrival [here](#).

We were also delighted to publish our report “The Sustainability Imperative – Part 1”, which draws on a series of in-depth interviews and a global survey of 545 senior industry leaders to examine the shipping world’s views on sustainability and governance, and what actions it is taking as a result. The report has been accompanied by a series of webinars, which are all available, together with the report, [here](#). Please do take a look if you haven’t already done so.

FOR MORE INFORMATION

Should you wish to discuss the matters raised in this newsletter, please speak with a member of our team on the right, or your regular contact at Watson Farley & Williams.

KEY CONTACTS

ANDREW WARD

PARTNER • LONDON

T: +44 20 7863 8950

award@wfw.com

DISCLAIMER

Watson Farley & Williams is a sector specialist international law firm with a focus on the energy, infrastructure and transport sectors. With offices in Athens, Bangkok, Dubai, Dusseldorf, Frankfurt, Hamburg, Hanoi, Hong Kong, London, Madrid, Milan, Munich, New York, Paris, Rome, Seoul, Singapore, Sydney and Tokyo our 700+ lawyers work as integrated teams to provide practical, commercially focussed advice to our clients around the world.

All references to ‘Watson Farley & Williams’, ‘WFW’ and ‘the firm’ in this document mean Watson Farley & Williams LLP and/or its affiliated entities. Any reference to a ‘partner’ means a member of Watson Farley & Williams LLP, or a member, partner, employee or consultant with equivalent standing and qualification in WFW Affiliated Entities. A list of members of Watson Farley & Williams LLP and their professional qualifications is open to inspection on request.

Watson Farley & Williams LLP is a limited liability partnership registered in England and Wales with registered number OC312252. It is authorised and regulated by the Solicitors Regulation Authority and its members are solicitors or registered foreign lawyers.

The information provided in this publication (the “Information”) is for general and illustrative purposes only and it is not intended to provide advice whether that advice is financial, legal, accounting, tax or any other type of advice, and should not be relied upon in that regard. While every reasonable effort is made to ensure that the Information provided is accurate at the time of publication, no representation or warranty, express or implied, is made as to the accuracy, timeliness, completeness, validity or currency of the Information and WFW assume no responsibility to you or any third party for the consequences of any errors or omissions. To the maximum extent permitted by law, WFW shall not be liable for indirect or consequential loss or damage, including without limitation any loss or damage whatsoever arising from any use of this publication or the Information.

This publication constitutes attorney advertising.