

Philip Edey QC

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Languages: French (conversational)



Overview

Philip is a specialist lead advocate whose practice focuses on commercial disputes in areas including fraud, banking, insurance, commodities, energy and shipping. He has considerable experience in relation to freezing injunctions. Philip is also particularly noted for his cross-examination skills.

Most of Philip's work has a strong international element, with his clients coming from all around the world, including CIS, the Middle East, India, China, South East Asia and the US. The cases on which he is instructed often raise complex jurisdictional and conflict of laws issues, including the interplay between proceedings in court and arbitration.

He has acted as lead counsel before the High Court, Court of Appeal and Supreme Court of England and Wales, as well as in many arbitrations seated both in England and overseas. Philip also accepts appointments as arbitrator.

Philip is ranked in the leading directories for civil fraud, commercial dispute resolution, banking and finance, international arbitration, insurance, shipping, and commodities.

He was nominated for The Legal 500 Commercial Silk of the Year in 2017.

[Privacy notice](#)

Professional memberships

- Commercial Bar Association

Education

- University of Oxford: BA in Jurisprudence, First Class; MA

Example cases

- *FSDEA v dos Santos and others* [2018] EWHC 2199 (Comm): acted for 18 corporate defendants successfully challenging jurisdiction in respect of fraud claims against them in relation to management of US\$5 billion of the Angolan Sovereign Wealth Fund's money; and obtaining discharge of a US\$3 billion worldwide freezing and proprietary injunction.
- *Sodzawiczny v Ruhan* [2018] EWHC 1908 (Comm): acted for two of the defendants seeking to discharge a freezing injunction successfully seeking a stay, under s 9 Arbitration Act 1996, of claims against them for fraudulent misappropriation of over US\$20 million.
- *PAO Tatneft v Ukraine* [2018] EWHC 1797 (Comm): acted for Ukraine in challenging jurisdiction, on state immunity grounds, in relation to proceedings brought to enforce a bilateral investment treaty award against Ukraine for US\$112 million for breach of the fair and equitable treatment obligation.
- *Sabbagh v Khoury* [2018] EWHC 1330 (Comm): acted for some of the defendants seeking to resist the making of an injunction to restrain their pursuit of a Lebanese seated arbitration on grounds of vexation and oppression.
- *Sabbagh v Khoury* [2017] EWCA Civ 1120: acted for some of the defendants on their appeal in relation to their challenge to jurisdiction and application for a stay under s 9 Arbitration Act 1996 in relation to claims for over \$500 million for conspiracy to misappropriate shares and other assets.
- *Newland Shipping v Toba and Others* [2017] EWHC 1416 (Comm): acted for Middle Eastern defendant successfully obtaining relief from sanctions, challenging jurisdiction and setting aside a default judgment in relation to claim for conspiracy to steal a cargo of oil.
- *Libyan Investment Authority v Goldman Sachs* [2016] EWHC 2530 (Ch): joint lead advocate for the LIA in its claim to set aside equity derivative trades entered into with Goldman Sachs and for the return of the US\$1.2 billion premium paid on the grounds of undue influence (including improper inducements).
- *Shagang Shipping Co Ltd v HNA* [2016] EWHC 1103 (Comm): acted for defendant seeking to resist payment of US\$68 million under guarantee provided in respect of performance of charterparty on the basis that the charterparty was procured by bribery to which individuals had confessed to the police in China, though the claimant alleged that those confessions resulted from torture.
- *Hut Group v Nobahar-Cookson* [2016] EWCA Civ 128: acted for claimant resisting appeal in relation to successful claim for breach of financial warranty under share purchase agreement.
- *Bunge SA v Nidera BV* [2015] UKSC 43; [2015] 3 All ER 1082: acted for respondent on an appeal relating to the scope of the compensatory principle identified in *The Golden Victory* (and in particular when post-renunciation events must be taken into account in the calculation of damages) and the effect of the default clause in a standard GAFTA contract wording.

Commercial dispute resolution

Philip is ranked as a leading QC in relation to commercial dispute resolution (Chambers, 2018) and commercial litigation (Legal 500, 2017). He was a nominee for the Legal 500 Commercial Litigation QC of the year (2017). He has advised and acted as lead advocate in a wide variety of domestic and international commercial disputes including those involving:

- Fraud and other similarly serious allegations
- Share Purchase Agreements (including breach of warranty claims)
- Joint ventures and shareholder agreements
- Alleged derivative mis-selling by a bank
- A property management agreement
- Professional negligence (including financial services, insurance brokers, and solicitors)
- Construction projects (including sub-sea)
- Senior employee service contracts
- A debt collecting service agreement
- Carbon credit trading agreements
- Interim relief (including anti-suit and freezing injunctions)

Cases include:

- *Newland Shipping v Toba and others* [2017] EWHC 1416 (Comm) – acted for Middle Eastern Defendant successfully obtaining relief from sanctions, challenging jurisdiction and setting aside a default judgment in relation to claim for conspiracy to steal a cargo of oil.
- *LIA v Goldman Sachs* [2016] EWHC 2530 (Ch) – joint lead advocate for the LIA in its claim for US\$1.2bn against Goldman Sachs – equity derivatives – undue influence – unconscionable bargain.
- *The Hut Group v Cookson* [2014] EWHC 3842 (QB); and [2016] EWCA Civ 128 – leading a team of three counsel at trial and on appeal in a multi-million £ dispute about alleged breaches of financial warranties in a share purchase agreement and fraud.
- *Sabbagh v Khoury* [2014] EWHC 3233 (Comm); [2017] EWCA Civ 1120 – representing a number of defendants alleged to be involved in a conspiracy to deprive the claimant of over USD500m of assets, in relation to their challenge to the jurisdiction of the English court and application for a stay under s.9 of the Arbitration Act 1996 (permission to appeal from the decision of the Court of Appeal has been sought from the Supreme Court).
- *Enercon GmbH v Enercon (India)* [2012] 1 Lloyd’s Rep.519 – acting for the defendant in obtaining the discharge of an anti-suit and freezing injunction against it in relation to a dispute arising out of joint venture relating to the manufacture and sale of wind turbines in India.
- *Masri v Consolidated Contractors International* [2011] 2 CLC 566 (CA) – successfully represented the judicial administrators of CCI before the Court of Appeal which discharged a receivership order made against them.
- The Buncefield litigation [2009] 2 Lloyd’s Rep. 1 – successfully defending one of the main Defendants against claims put at over £1 billion.
- *Sea Emerald v Prominvest* [2008] EWHC 1979 (Comm) – representing Ukrainian bank successfully defending claim under a guarantee.
- *BHP v Dalmine (CA)* [2003] All ER (D) 258 – representing Italian manufacturer of steel pipes for underwater gas pipeline.
- *Iran Continental Oil v IRI (CA)* [2002] EWCA Civ.1024 – refurbishment of oil rig – proper law of contract.
- *Comdel v Siporex (CA)* [1997] 1 Lloyd’s Rep. 424 – discharge of freezing injunction due to delay.

Arbitration

Philip is ranked as a leading QC in relation to international arbitration (Chambers, 2018; The Legal 500, 2017). Philip was International Arbitration Junior of the Year (Chambers and Partners 2008).

Philip has acted as advocate in numerous arbitrations including before ICC, LCIA, LMAA, FOSFA, ARIAS and ad hoc tribunals in disputes relating to amongst other things:

- The supply of equipment for a project in China
- Alleged industrial espionage
- Share agreements/joint ventures
- Oil and gas production agreements
- A telecoms project in the Middle East
- Insurance (including Bermuda form) and reinsurance
- Commodities
- Charterparties
- Shipbuilding

In addition, Philip has extensive experience of appearing in Court in disputes relating to arbitrations including on arbitration appeals under s.68 and s.69 of the Arbitration Act 1996 and in relation to the enforcement of foreign awards, the appointment of arbitrators, the jurisdiction of the tribunal and anti-suit injunctions in support of arbitration.

Philip also accepts appointments as arbitrator.

Banking

Philip Edey QC is ranked as leading QC in relation to Banking & Finance (Chambers, 2018; The Legal 500, 2017). He has advised and acted in many banking cases including in relation to:

- Loan agreements
- Guarantees
- Derivatives (including ISDA, CDOs, equity, OTC Index Options)
- Debt buy back agreements
- Currency trading
- Gold trading
- The purchase of a mortgage book

Most recently Philip acted as joint lead advocate for the LIA in its claim US\$1.2bn against Goldman Sachs ([2016] EWHC (Ch)).

Civil fraud

Philip is ranked as a Leading Silk in relation to Civil Fraud (Chambers, 2018) and has advised and acted as advocate in many cases involving allegations of fraud and similarly serious conduct, including allegations of:

- Deceit and fraudulent breach of warranty in relation to a share purchase agreement
- Fraud in the procurement of an arbitration award
- Conspiracy to misappropriate assets
- Bribery and torture
- Fraudulent bills of lading
- Deceit in connection with the sale of derivatives
- Fraudulent inspection reports

Philip's recent cases include:

- *Newland Shipping v Toba and others* [2017] EWHC 1416 (Comm) – acted for Middle Eastern Defendant successfully obtaining relief from sanctions, challenging jurisdiction and setting aside a default judgment in relation to claim for conspiracy to steal a cargo of oil.
- *LIA v Goldman Sachs* [2016] EWHC 2530 (Ch) – joint lead advocate for the LIA in its claim for US\$1.2bn against Goldman Sachs – equity derivatives – undue influence – unconscionable bargain – improper inducements.
- *The Hut Group v Cookson* [2014] EWHC 3842 (QB) – leading a team of three counsel in a multi-million £ dispute involving allegations of deceit and fraudulent breaches of financial warranties in relation to a share purchase agreement.
- *Sabbagh v Khoury* [2014] EWHC 3233 (Comm); [2017] EWCA Civ 1120 – representing a number of defendants alleged to be involved in a conspiracy to deprive the claimant of over US\$500m of assets, in relation to their challenge to the jurisdiction of the English court and application for a stay under s.9 of the Arbitration Act 1996 (permission to appeal from the decision of the Court of Appeal has been sought from the Supreme Court).
- *Shagang Shipping v HNA Group* [2014] EWHC 2241 (Comm) – representing a major Chinese company seeking to resist payment of over US\$60m under a guarantee, in case involving allegations of bribery in relation to the underlying charterparty and of torture by Chinese police to extract confessions of bribery.
- *BHP v Dalmine (CA)* [2003] All ER (D) 258 – representing Italian manufacturer of steel pipes for underwater gas pipeline who had produced fraudulent inspection reports for the pipes.

Energy and natural resources

Philip Edey QC has advised and acted as advocate on a range of energy related disputes, for and against many of the world's major energy companies and traders, including in relation to:

- The explosion at the Buncefield oil storage facility.
- oil and gas exploration and production agreements.
- oil and gas joint operating agreements (including issues in relation to under/over-lifting; sole risk projects; back-in dates/penalties; and other accounting issues).
- Long term oil supply contracts.
- The construction of an under-sea gas pipeline.
- The construction of a petroleum export terminal in Nigeria.
- Bunkering disputes.
- Carbon emission reduction credit trading.
- Insurance claims relating to energy and natural resource projects.
- The refurbishment of oil rigs.
- The sinking of an oil rig.
- An Indian wind-turbine business.
- Sale and purchase, carriage of, and COAs relating to a range of hydrocarbons, other fuels and other natural resources (raising quality, contamination and pollution, amongst other, issues).

Many of Philip's cases are the subject of arbitration and therefore confidential but reported cases include:

- *Enercon GmbH v Enercon* (India) [2012] 1 Lloyd's Rep.519 – acting for the defendant in obtaining the discharge of an anti-suit and freezing injunction against it in relation to a dispute arising out of joint venture relating to the manufacture and sale of wind turbines in India.
- *The Mercini Lady* [2011] 1 Lloyd's Rep.442 (CA).
- *The Buncefield litigation* [2009] 2 Lloyd's Rep. 1 – successfully defending the joint venture between Total and Chevron against claims put at over £1 billion.
- *Konkola Copper Mines v Coromin* [2006] 2 Lloyd's Rep.446.
- *Petromec v Petrobras* [2004] 1 Lloyd's Rep.629 (CA).
- *BHP v Dalmine* (CA) [2003] All ER (D) 258 – representing Italian manufacturer of steel pipes for underwater gas pipeline.
- *Iran Continental Oil v IRI* (CA) [2002] EWCA Civ.1024 – refurbishment of oil rig – proper law of contract.

Insurance and reinsurance

Philip is ranked as a leading QC in relation to insurance and reinsurance (Chambers, 2018; WWL, 2018; and Legal 500, 2017) and was Insurance Junior of the Year (Chambers, 2007). He has been described as "incredibly knowledgeable in all things insurance and reinsurance" by his peers who say they "would rate him extremely highly for insurance work" (WWL 2018).

Philip has advised and acted as advocate in court and arbitration in relation to many insurance and reinsurance disputes including in relation to:

- Casualty business
- Bermuda form
- D&O insurance
- Personal accident
- Fidelity

- Marine
- Liability
- Property
- Business interruption
- Long-tail business

Issues on which he has advised or which have arisen in cases in which Philip has acted as advocate include:

- Avoidance
- Aggregation
- Breach of warranty
- Abandonment
- Brokers' negligence
- Time bar
- Coverage
- Fraud
- Constructive total loss
- Rectification
- Follow-the-settlements clauses
- Quantification of recoverable losses
- Jurisdiction

Although many of Philip's cases are heard in confidential arbitrations, his reported cases include:

- *Dornoch v Westminster BV* [2009] 2 Lloyd's Rep. 191 - marine insurance - abandonment - constructive trust.
- *Allianz v Aigaion* [2008] 2 Lloyd's Rep.595 - marine insurance - premium payment warranties.
- *Faraday v Cop Re* [2007] Lloyd's Rep. IR 23 - whether a settlement agreement was a "without prejudice" agreement for the purposes of a follow-the-settlements clause in a reinsurance contract.
- *KCM and ARH v Coromin* - claim under insurance in respect of losses arising from collapse of Zambian copper mine - difference in conditions cover.
- *Travelers Casualty v Sun Life Assurance* [2007] Lloyd's Rep. IR 619 - breach of warranty in relation to insurance against risk of costs incurred by reason of review of past business required by FSA.
- *IMG v Simmonds* [2004] Lloyd's Rep. IR 247 - contingency insurance - cancelled cricket tournament between India and Pakistan - avoidance - breach of warranty.
- *Swiss Re v United India* [2004] I. L. Pr. 4 - jurisdiction in relation to dispute under a reinsurance contract.
- *Demetra K (CA)* [2002] 2 Lloyd's Rep.581 - rectification of insurance contract.
- *HIH v Chase* [2003] 2 Lloyd's Rep.61 (HL); [2001] 2 Lloyd's Rep.483 (CA) - film finance insurance - scope of clause purporting to limit insurers' rights of avoidance.
- *HIH v New Hampshire (CA)* [2001] 2 Lloyd's Rep. 161 - film finance insurance - whether term a warranty - whether remedy for breach of warranty excluded.
- *Imperio v Heath (CA)* [2001] 1 WLR 112 - breach of fiduciary duty - time bar.
- *Kingscroft v Nissan (CA)* [1999] Lloyds Rep. IR 603 - insurance pool - reinsurance - avoidance.

Commodities

Philip is ranked as a leading QC in relation to commodities (Chambers, 2018; WWL, 2018; and Legal 500, 2017).

Philip has advised and acted as advocate in numerous commodity disputes both in arbitration (including FOSFA and GAFTA) and Court. Those disputes have included ones relating to the sale/purchase and carriage of:

- Grains
- Oil / petroleum products of all sorts
- Soybeans
- Steel
- Acids
- Waste
- Fruit
- Scrap Metal and iron

Although many of Philip's disputes have been the subject of confidential arbitrations, his reported cases include:

- *Newland Shipping v Toba and others* [2017] EWHC 1416 (Comm) – acted for Middle Eastern Defendant successfully obtaining relief from sanctions, challenging jurisdiction and setting aside a default judgment in relation to claim for conspiracy to steel a cargo of oil.
- *Bunge v Nidera* [2015] 2 Lloyd's Rep.469 (Supreme Court); [2014] 1 Lloyd's Rep.404 (CA); and [2013] 1 Lloyd's Rep.621 – arbitration appeals in relation to a dispute under a GAFTA contract relating to the Prohibition and Default Clauses (the case is now going to the Supreme Court).
- *Mercini Lady (No.2)* [2013] 1 Lloyd's Rep.360 – successfully representing claimant in claim for damages for selling gasoil which was not of satisfactory quality.
- *Mercini Lady (No.1)* [2011] 1 Lloyd's Rep.442 (CA) and [2009] 2 Lloyd's Rep.679 – successfully represented the claimant on preliminary issues (and then on appeal) relating to the implication of terms into a gasoil sale contract.
- *The Hang Ta* [2011] 2 Lloyd's Rep.278 – successfully represented the claimant seller in demurrage dispute under sale contract.
- *Thai Marpan v Louis Dreyfus* [2011] 2 Lloyd's Rep.704 – successfully represented the respondent to a s.69 appeal from a GAFTA award relating to the repudiation of a sale contract.

Shipping

Philip is ranked as a leading QC in relation to shipping (Chambers, 2018; Legal 500, 2017).

Philip has advised and acted in relation to numerous shipping disputes both in court and arbitration arising out, for example:

- Charterparties (time, voyage and bareboat)
- COAs
- FFAs
- Shipbuilding contracts
- Ship sale contracts
- Contracts for the supply of bunkers
- Bills of lading

The types of issue with which Philip has dealt include:

- Contamination of cargo
- Dangerous cargo
- Unsafe ports
- Unseaworthiness
- Hire and off-hire
- The Hague Rules
- Demurrage
- Repudiation of long term contracts
- Calculation of damages
- Jurisdiction
- Bunker supply
- Limitation of liability
- Salvage and general average

Although many of Philip's shipping cases are heard in confidential arbitration, his reported cases include:

- *The Fortune Plum* [2013] 2 Lloyd's Rep.618 – representing charterers under long-term time charter on s.69 appeal, having won arbitration in which charterers alleged to have repudiated the charter.
- *BW Gas v JAS Shipping* [2010] 2 Lloyd's Rep.626 (CA) – representing bareboat charterers of a new-build on their appeal relating to the obligations of the disponent owners on delivery.
- *The Zenovia* [2009] 2 Lloyd's Rep.139 – acting for time charterers on their s.69 appeal relating to the re-delivery obligations of owners having given notice of intended re-delivery.
- *MSC Napoli* – acting for owners in the limitation and liability proceedings arising out of the casualty in January 2007.
- *Sea Emerald v Prominvest* [2008] Lloyd's Rep. Plus 96 – representing Ukrainian bank defending claim under a refund guarantee given in respect of a shipbuilding contracts.
- *The Doric Pride* [2005] 2 Lloyd's Rep.470 and [2006] 2 Lloyd's Rep.446 (CA) – successfully representing charterers in relation to off-hire claim at first instance and before the Court of Appeal.
- *The Jalagouri* [1999] 1 Lloyd's Rep.903 and [2000] 1 Lloyd's Rep.515 (CA) – successfully representing charterers in relation to off-hire claim at first instance and before the Court of Appeal.
- *Cory Brothers v Baldan* [1997] 1 Lloyd's Rep.424 – representing freight-forwarding agent in relation to dispute as to payment of freight with their freight-forwarding agents.
- *The Laconian Confidence* [1997] 1 Lloyd's Rep.139 – representing owners on an arbitration appeal in relation to off-hire under Cl.15 of the NYPE charter form.

Private international law

The majority of the cases on which Philip Edey QC is instructed to advise or act as advocate raise issues as to proper law and/or jurisdiction.

Philip's reported cases include:

- *Sabbagh v Khoury* [2014] EWHC 3233 (Comm); [2017] EWCA Civ 1120 – representing a number of defendants alleged to be involved in a conspiracy to deprive the claimant of over USD500m of assets, in relation to their challenge to the jurisdiction of the English court and application for a stay under s.9 of the Arbitration Act 1996 (permission to appeal from the decision of the Court of Appeal has been sought from the Supreme Court).
- *Enercon GmbH v Enercon (India)* [2012] 1 Lloyd's Rep.519 – acting for the defendant in obtaining the discharge of an anti-suit injunction against it in relation to a dispute arising out of joint venture relating to the manufacture and sale of wind turbines in India.
- *Dornoch v Westminster BV* [2009] 2 Lloyd's Rep. 191 – marine insurance – proper law for determining incidence of proprietary interests in a vessel.

- *KCM v Coromin* (No.2) [2006] 2 Lloyd's Rep. 446 - whether to override exclusive jurisdiction clause where risk of inconsistent judgments.
- *Swiss Re v United India* [2004] I. L. Pr. 4 - jurisdiction in relation to dispute under a reinsurance contract.
- *Iran Continental Oil v IRI* (CA) [2002] EWCA Civ.1024 - refurbishment of oil rig - proper law of contract - Article 4(2) of the Rome Convention.

Recommendations

A fiercely intelligent silk. [The Legal 500 UK Bar 2020](#)

Fearless. [Chambers UK Bar 2020](#)

A silk who comes highly rated. [The Legal 500 Asia Pacific 2020: The English Bar](#)

A top-notch advocate. [The Legal 500 UK Bar 2020](#)

A real star as a leader and an intellectual heavyweight who is recommended for difficult cases. [The Legal 500 UK Bar 2018](#)

Extremely articulate and poised in his advocacy, and someone who always has interesting perspectives on a case. [Chambers UK Bar 2019](#)

Polished, calm and effective. [Chambers UK Bar 2019](#)

He is exceptional and very approachable. [The Legal 500 UK Bar 2020](#)

A good man to have on side in a legally difficult case. He's very willing to work as part of a team and always brings added intellectual weight. [Chambers UK Bar 2020](#)

He has an absolutely first-rate intellect and is a brilliant advocate. [The Legal 500 2018](#)

Absolutely superb. [The Legal 500 UK Bar 2020](#)

A man of remarkable intellect who offers exceptional client service. [Chambers UK Bar 2020](#)

Hugely popular for international arbitration. [The Legal 500 UK Bar 2020](#)

An amazing advocate at trial. [Chambers UK Bar 2020](#)

Absolutely brilliant and completely committed. [Chambers UK Bar 2020](#)

He has a razor-sharp intellect. [Chambers UK Bar 2020](#)

Phenomenal cross-examiner. [Chambers UK Bar 2020](#)

He's a hardcore litigator with an absolutely first-rate intellect, who's a great cross-examiner. [Chambers UK Bar 2018](#)