

Thomas Corby

CALL: 2011

✉ enquiries@twentyessex.com

☎ +44 (0)20 7842 1200

Languages: Spanish (proficient)



Overview

Thomas has a varied commercial practice, with a focus on international arbitration, energy, insurance/reinsurance, banking and shipping.

He has extensive experience of arbitrations under a variety of rules, both as sole counsel and led. This includes acting as sole English counsel in high-value international arbitrations, including a gas-price review arbitration in Munich, an arbitration in Panama City arising under a contract for the sale of oil, and a construction arbitration in Milan.

Thomas also regularly appears as sole counsel, and with a leader, in the Court of Appeal and High Court. He has significant and recent experience of applications for anti-suit injunctions, worldwide freezing injunctions and applications under the Arbitration Act 1996.

He was highly recommended in Legal Week's "Stars of the Bar 2017".

[Privacy notice](#)

Education

- City University: Graduate Diploma in Law, Distinction (2010)
- University of Oxford, New College: BA (Hons), First Class (2008)

Publications

- Researcher for *Voyage Charters (4th edn, Informa Law, 2014)*.

Professional memberships

- Bar Pro Bono Unit
- Middle Temple Committee for Equality, Diversity and Social Mobility

Lectures/talks

- 'Brexit and its possible impact on the maritime sector': Congreso Nacional of the Asociación Española de Derecho Marítimo (15 June 2017).

Example cases

- Acted for the respondent (seller) in an ICC gasprice review arbitration in Munich worth in excess of €4 billion in respect of a dispute under a long-term take-or-pay contract for the sale of Libyan gas to Italy (with Bonelli Erede Pappalardo).
- Acted for the respondent in an LCIA arbitration arising out of a dispute under a jointventure agreement for the construction of a 110-hectare mixed-use urban development in Russia worth in excess of US\$250 million (led by Duncan McCall QC).
- Acted for a major European construction company in an ICC arbitration in Milan concerning a dispute arising out of the tendering process for the construction of a motorway in Romania.
- Acted for an insurance company in an ad hoc arbitration concerning issues of construction of a reinsurance policy and aggregation (led by Christopher Hancock QC).
- Acted for a major international bank in a dispute with a sovereign wealth fund over the recoverability of management fees following the termination of an investment management agreement.
- Acted for a former director of a Championship football club in a case about breach of directors' duties and defamation (led by David Reade QC and Christopher Newman).
- *FSL-9 PTE Ltd v Norwegian Hull Club* [2016] 2 All ER (Comm) 576: acted for a P&I Club in a dispute about the construction of a "liberty to apply" provision contained in a letter of undertaking (led by Charles Kimmins QC).
- *The English Electric Company Ltd v Alstom UK Ltd* [2015] EWHC 924 (QB); [2016] EWCA Civ 1314: acted for the claimant (at first instance and in the Court of Appeal) in a claim about the extent to which liability for negligently exposing an engineering apprentice to asbestos could be passed up a chain of indemnities in sale and purchase agreements (led by David Lewis QC).
- *The London Steam Ship Owners Mutual Insurance Association Ltd v The Kingdom of Spain and The French State (The "Prestige") (No 2)* [2014] 1 Lloyd's Rep 309: acted for the insurers in a multi-billion euro oil pollution case arising out of the loss of the M/T *Prestige* off the coast of Spain in 2002 (led by Christopher Hancock QC and Charlotte Tan).
- *Geden Operations Ltd v Bulk Handy Holdings Inc (The M/V "Bulk Uruguay")* [2014] 2 Lloyd's Rep 66: acted for the appellant on a s 69 appeal concerning a time charterer's right to order a vessel to transit the Gulf of Aden (led by Charles Kimmins QC).

General commercial

- *The London Steam Ship Owners Mutual Insurance Association Ltd v The Kingdom of Spain and The French State (The "Prestige") (No 2)* [2014] 1 Lloyd's Rep. 309 A multi-billion Euro oil pollution case arising out of the loss of the M/T *Prestige* off the coast of Spain in 2002, involving applications under s66, 67 and 72 of the Arbitration Act 1996. The case raised conflicts of law issues, including a consideration of the Through Transport doctrine, sovereign immunity and arbitrability (led by Christopher Hancock QC and Charlotte Tan).
- *The English Electric Company Limited v Alstom UK Limited* [2015] EWHC 924 (QB); [2016] EWCA Civ 1314 – A case concerning the extent to which liability for negligently exposing an engineering apprentice to asbestos could be passed up a chain of indemnities in sale and purchase agreements (led by David Lewis QC).
- *Associated Electrical Industries Limited v Alstom UK* [2014] EWHC 430 (Comm) – A case considering the correct approach to procedural default in light of the Jackson Reforms and the decision of the Court of Appeal in *Mitchell v News Group Newspapers Limited* [2013] EWCA Civ 1537.
- Obtaining an anti-suit injunction for Dell to restrain proceedings brought by a distributor in Morocco in breach of an arbitration agreement (led by Thomas Raphael QC).
- Acting for a major European bank in an application in the Commercial Court arising out of litigation concerning an allegedly fraudulent claim under a marine insurance policy (led by Julian Kenny QC).
- Acting for a major international bank in respect of a dispute over entitlement to investment management fees amounting to in excess of USD30 million.
- Acting for a former director of a Championship football club in a claim in the Chancery Division concerning alleged breaches of directors' duties and defamation (led by Christopher Newman).
- Acting for a leading internet games company in a claim in the Commercial Court concerning a contract for the redirection of internet traffic to a target website.

Shipping

- *FSL-9 PTE Ltd v Norwegian Hull Club* [2016] 2 All E.R. (Comm) 576 – A case about whether a “liberty to apply” provision in a P&I Club letter of undertaking conferred on the court a power to compel a P&I Club to put up further security (led by Charles Kimmins QC).
- *Geden Operations Ltd v Bulk Handy Holdings Inc* (The M/V “Bulk Uruguay”) [2014] 2 Lloyd’s Rep. 66 – A s69 appeal concerning a time charterer’s right to order a vessel to transit the Gulf of Aden (led by Charles Kimmins QC).
- Acting for bunker suppliers in the OW bunker litigation in interpleader proceedings commenced by shipowners in the Admiralty Court (led by Timothy Young QC).
- Acting for shipowners in a claim in the Commercial Court concerning alleged contamination of a cargo of fuel oil.
- Acting for shipowners in a claim in the Commercial Court in respect of unpaid freight and demurrage.

LMAA arbitrations

Thomas is instructed in a number of LMAA arbitrations. Recent examples include:

- A case concerning claims of breach of Articles III Rules 1 and 2 of the Hague-Visby Rules, as well as allegations of fraud, arising out of damage to a cargo of vegetable oil after loading (led by Charles Kimmins QC).
- A claim for an indemnity under Article III Rule 5 of the Hague-Visby Rules as a result of inaccurate particulars furnished in a bill of lading for the carriage of a cargo of crude oil.
- An off-hire dispute arising under a charterparty for an offshore vessel for use in the Gulf of Mexico worth in excess of US\$14 million.
- An arbitration concerning a US\$44 million claim for unpaid hire and repair costs said to be due under a bareboat charterparty for an offshore accommodation barge.
- An unsafe port claim concerning a collision with a finger pier at a cement discharging facility in the United States of America.
- A claim under the implied indemnity in a time charterparty for the consequences of following charterers’ orders in respect of passage through the Suez canal and discharge in Israel.
- A dispute arising out of damage to a vessel during loading a cargo of palm oil raising issues as to an owner’s right to an indemnity and whether the port was unsafe (led by Charles Kimmins QC).
- An arbitration considering the illegality of a time charterparty entered into to finance the construction of a vessel under an illegal shipbuilding contract (led by Andrew Baker QC).
- A case concerning an owner’s right under a time charterparty to rely on a piracy clause to refuse a charterer’s order to proceed through the Gulf of Aden (led by Charles Kimmins QC).
- A demurrage/detention dispute involving the Ministry of Trade of a Middle Eastern government (led by Michael Ashcroft QC).

Energy and commodities

- Acting for the buyer in a claim in the Commercial Court concerning the effect of sanctions of a contract for the sale of Belarusian bio-fuel (led by Guy Morpuss QC).
- Acting for the seller in a claim in the Commercial Court concerning liability for Scandinavian excise duties under sale contracts for cargoes of fuel oil.
- An LMAA arbitration in respect of a dispute about the Fe content of a cargo of iron ore sold under an FOB contract of sale.
- A FOSFA arbitration concerning allegations that a cargo of palm oil was off-specification and issues of mitigation.

International arbitration

- An ICC gas-price review arbitration in Munich worth in excess of Euros 4 billion in respect of a dispute under a long-term take-or-pay contract governed by Italian law for the sale of Libyan gas to Italy (with Bonelli Erede Pappalardo).
- An LCIA arbitration arising out of a dispute under a joint-venture agreement for the construction of a major-mixed use urban development in Russia worth in excess of USD250 million (led by Duncan McCall QC).

- An LCIA arbitration in respect of a disputed claim under a letter of guarantee relating to an investment by a Middle Eastern state-owned property developer (led by Duncan McCall QC).
- An arbitration under a letter of guarantee provided by a private equity company in respect of a US\$44 million debt said to be due under contracts entered into by its investment subsidiaries (led by Charles Kimmins QC).
- Acting for a major European construction company in an ICC arbitration in Milan in a dispute under a letter of intent arising out of the tendering process for the construction of a motorway in Romania.
- An ICC arbitration in Panama City governed by Peruvian law concerning a dispute over an oil contract entered into by a South American state-owned oil company.
- An ad hoc arbitration in London between two major international insurance companies concerning issues of construction of a reinsurance policy.
- An LCIA arbitration in respect of a shareholder dispute worth US\$ 450 million concerning one of Eastern Europe's largest alcoholic drinks companies (led by Duncan Matthews QC and Blair Leahy).
- Acting for a major international bank in an LCIA arbitration arising under long-term contracts for the sale and purchase of iron ore produced by a mine in Sierra Leone.
- Acting for a European trade credit bank in an LCIA arbitration concerning defaults under a contract for the sale of steel to a Middle Eastern construction company.

Recommendations

He is always fully prepared, highly persuasive and sensitive to the nuances of advocacy before tribunals and courts. [The Legal 500 UK Bar 2020](#)

His work product is first class. His turnaround time, attitude and client management also impress. [Chambers UK Bar 2020](#)

A rising star who will undoubtedly take silk, he is clever, reassuring and user-friendly with a sharp legal mind. [The Legal 500 UK Bar 2020](#)

He's exactly what you want from counsel – good on the black letter law as well as commercially minded." "He's extremely thorough, well prepared and diligent. [Chambers UK Bar 2020](#)

He is approachable, reliable and brilliant on paper. [The Legal 500 UK Bar 2018](#)

Excellent to work with, he has a very strong intellect, is extremely hardworking and very responsive. [The Legal 500 UK Bar 2018](#)