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Born 1943

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Summary of Practice

Between 1968 and 2017 I practiced as Counsel in the English courts up to and including the House of Lords (now the Supreme Court), in other courts of the UK Commonwealth, in the European Court of Justice, and in many arbitrations in England and overseas (including Bermuda, France, the Netherlands, Sweden, Switzerland, Singapore, the United States and Hong Kong). I now no longer practice as Counsel, but I continue to accept appointments as an arbitrator in international commercial disputes – see below.

Career outline

Call Date: 1967 Middle Temple

Queen's Counsel: 1981

Department of Trade Inquiry into Minet Holdings plc and others 1982

Member of Departmental Advisory Committee on Arbitration 1984-1996

Deputy High Court Judge, Queen's Bench Division (part-time appointment)

Deputy Chairman, Financial Services Authority 1999-2004 (non-executive)

Commander of the British Empire (CBE) 2005, for services to the financial industry.

President, Dubai Financial and Markets Tribunal 2006-2013

Education

MA, Trinity College, Cambridge (Senior Scholar)

Publications

- Mustill & Boyd, Commercial Arbitration, Butterworths, 1982 and 1989 (1st and 2nd editions, joint author); 2001 Companion; 3rd edition in preparation.
- Scrutton, Charterparties and Bills of Lading, 18th, 19th and 20th editions (editor) 21st edition (general editor)
- Numerous lectures and articles on commercial law and arbitration.

Arbitration

I have been appointed an arbitrator in many international commercial disputes, including arbitrations held under ICC, ICSID, LCIA, LMAA, SIAC, SCC and UNCITRAL Model Rules. These have involved disputes in many fields, such as

- Advertising
- Banking/finance/securities/investment management and financial markets
- Broadcasting and telecommunications
- Commercial agency
- Computer software
- Construction and engineering/infrastructure
- Electricity generation and transmission
- Insurance and reinsurance
- International maritime transport
- International trade
- Trading in commodities (e.g. oil and gas, minerals, agricultural products)
- International investment disputes
- Oil and gas (separate cv available on request)
- Power and energy (generation and distribution)
- Private international law
- Ship sales and ship building (including offshore construction)

From 1984 to 1996, I was a member of the Departmental Advisory Committee on Arbitration Law which advised the government of the United Kingdom on all aspects of arbitration law, leading up to the enactment of the Arbitration Act 1996.

Arbitration appointments

I have been appointed as arbitrator in many different areas of legal, commercial and technical issues. I have long been accustomed to applying laws which do not derive from Common law (Anglo-Saxon) sources and to deciding technical issues falling within different academic disciplines. The following is a short list of cases in which I have been appointed, which is intended to illustrate the range of topics which I have had to deal with over the years.

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| 1992 | Property rights over military land (Spanish law) |
| 1992 | Off-shore construction: semi-submersible oil rig. |
| 1994 | Agricultural dispute (milk and bovine AIDS) |
| 1994 | Extinguishing oil fires in Kuwait (Saudi-Arabian law) |
| 1995 | Bespoke software for banking systems (ICC). |
| 1996 | Energy: UK electricity market regulations and agreements |

- 1997 Long term off-shore gas supply contract involving contractual and technical issues (gas chromatography as applied to petrochemicals; turbines)
- 1997 Marine insurance claim: piracy
- 1998 Satellite launching programme for a sovereign state (ICC)
- 1999 Environmental claims under excess liability policies (Bermudan law)
- 2000 Insurance claim arising from large-scale condemnation of foodstuffs by US government agency
- 2000 Claim by African state concerning banking matters (ICC)
- 2002 Loss of profits insurance claim: chemical pla
- 2003 South American oil concessions
- 2003 Dispute between Russian groups of companies: minerals and energy (LCIA)
- 2004 Dispute under television employment contract
- 2005 D&O cover in respect of a Russian oil company
- 2005 Expropriation and unequal treatment claim under a BIT: valuation by NPV and CAPM of a telecommunication network (ICSID)
- 2006 Technical and contractual dispute about construction of three warships for a sovereign state: electronic warfare (ICC)
- 2006 European and UK competition law dispute about a shipping pool
- 2006 Expropriation claim under insurance policy (South America)
- 2007 Indexation dispute under a long-term agreement for the supply of aluminium for aircraft (ICC)
- 2007 Insurance coverage dispute: US pollution liabilities (ad hoc)
- 2007 Disputes under a civil engineering contract: “group of companies doctrine” under French and Lebanese law (ICC)
- 2007 Insurance claim in respect of alleged medical malpractice causing repeated fatalities and injuries (ad hoc)
- 2007 Sale of minerals: alleged expropriation by a sovereign state (Stockholm Chamber of Commerce)
- 2007 Gas gathering platforms in the Middle East (ICC)
- 2008 Hedge fund management (ad hoc)
- 2008 Shareholders agreement relating to radio and television broadcasting (SIAC)
- 2008 Claims against a sovereign state concerning a long term rail franchise (UNCITRAL Rules)
- 2009 Reinsurance dispute concerning liability for hazardous waste (ad hoc)
- 2009 Insurance dispute: oil refinery explosion and fire (ad hoc)
- 2009 Price indexation of a long term LPG supply contract (UNCITRAL Rules)
- 2009 Insurance: pollution liabilities (Bermuda form)
- 2010 PFI agreement for transport infrastructure (ad hoc)
- 2010 Political risks insurance dispute

- 2011 Joint venture for Arctic oil exploration (UNCITRAL Rules)
- 2011 Oil and gas production sharing agreement (ad hoc)
- 2012 Infrastructure franchise: validity of remission of VAT by host state (Greek law: LCIA)
- 2012-5 Cancellation of shipbuilding contracts (mainly LMAA or SIAC Terms)
- 2014 Insurance: coverage dispute of class claims in respect of banking liabilities (AAA, Bermudian law)

- 2014 Breach of investment management agreement (ICC)
- 2014 Shareholders agreement for international wireless network company (LCIA)
- 2015 Shareholder agreements: allegedly fraudulent representations made in relation to the sale of shares in mining companies (Turkish law, ICC)
- 2016 Insurance: excess liability claim arising from the marketing of a pharmaceutical product (ad hoc, Bermuda form)
- 2016 - present Confidential

Many of these arbitrations involved applicable laws other than English law (e.g. the laws of France, Kazakhstan, Lebanon, Singapore, Sweden, and of states applying Sharia law). They also involved a variety of curial laws (e.g. Austria, Bermuda, France, Lithuania, Singapore, Sweden, Switzerland).

Expert witness on English law

I have given expert evidence on English law to courts and arbitrators in several jurisdictions, including evidence on the following topics -

Confidentiality of arbitration (Australia); conflicts of laws affecting consumer legislation and arbitration (Australia); shipping law (Florida); arbitration law (Texas); company and trust law (Texas); marine insurance (New York State); shipping law (Peoples' Republic of China); power of arbitrators in England to award penal damages under US law (international commercial arbitration tribunal); formation of contracts (Norway); practice of Lloyd's of London concerning reinsurance to close (various US District Courts).

