



## **STEWART BOYD CBE QC**

Born 1943

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### **Summary of Practice**

- Agency/distribution
- Banking/finance/securities
- Broadcasting and telecommunications
- Commodity trading
- Construction and engineering/infrastructure
- European law
- Insurance and reinsurance
- International commercial arbitration
- International trade and transport
- International investment disputes
- Petrochemicals/oil and gas
- Power and energy
- Private international law
- Shipbuilding

I have appeared as Counsel in the English courts and in other courts of the 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). Much of my time is now spent sitting as an arbitrator in international commercial disputes – see below.

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### **Career outline**

Call Date: 1967 Middle Temple (Bencher)

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 2005

President, Dubai Financial and Markets Tribunal 2006-

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### **Education**

MA, Trinity College, Cambridge

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### **Languages**

French and German (working knowledge)

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## Professional Associations

Bar European Group  
Commercial Bar Association (COMBAR)  
London Common Law and Commercial Bar Association  
London Maritime Arbitrators Association

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## Publications

- Mustill & Boyd, Commercial Arbitration, Butterworths, 1982 and 1989 (1st and 2nd editions, joint author); 2001 Companion
  - Scrutton, Charterparties and Bills of Lading, 18th, 19th and 20th editions (editor) 21<sup>st</sup> edition (general editor)
  - Lectures and articles on commercial law and arbitration including contributions to Arbitration International, Civil Justice Quarterly, Stockholm International Arbitration Review.
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## 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
- Commercial agency
- Computer software
- Construction
- Electricity generation and transmission
- Insurance and reinsurance
- Intellectual property
- Investment disputes
- Oil and gas
- Shipping and ship building

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 under falling within different academic disciplines. For example -

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| 1992 | Dispute concerning property rights over military land (Spanish law)    |
| 1992 | Off-shore construction dispute about a semi-submersible oil rig.       |
| 1994 | Agricultural dispute (milk and alleged bovine AIDS)                    |
| 1994 | Dispute about extinguishing oil fires in Kuwait (Saudi-Arabian law)    |
| 1995 | Dispute about bespoke software for banking systems (ICC).              |
| 1996 | Energy: dispute under UK electricity market regulations and agreements |

1997	Dispute under a 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)
1999	Three linked arbitrations concerning shareholders agreements and tax liabilities (ICC)
2000	Insurance claim arising from large-scale condemnation of foodstuffs by US government agency
2000	Claim by African state concerning banking matters (ICC)
2002	International sale of goods: wood pulp machinery (ICC)
2002	Loss of profits insurance claim: chemical plant
2003	Dispute about deep-sea seismic oil exploration
2003	Dispute about 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	Agency and distribution dispute: Middle East (ICC)
2005	Expropriation and unequal treatment claim under a BIT: valuation by NPV and CAPM of a telecommunication network (ICSID)
2005	International sale of goods: fabricated plastic
2006	Shipping pool dispute (ICC)
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	Intellectual property dispute: combustion engine design (ICC)
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	Construction dispute about gas gathering platforms in the Middle East (ICC)
2008	Hedge fund management (ad hoc)
2008	Long-term contract for the supply of plastics in the Middle East (ICC)
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	Supply of defective generating equipment (ICC)
2009	Insurance dispute concerning an 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
2010	Supply of turbines for Middle Eastern power plant

2011                Joint venture for Arctic oil exploration (UNCITRAL Rules)  
2011                Oil and gas production sharing agreement (ad hoc)

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).

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### **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 states).