

Arbitrators

AT 24 LINCOLN'S INN FIELDS



Stuart Cribb

Stuart specialises in international commercial litigation and arbitration. As an advocate, he has argued at all levels of the English judicial system, including before the Supreme Court of the United Kingdom. In arbitration, he has advised and acted in disputes seated in various jurisdictions, and has experience of cases under the ICC, UNCITRAL, LCIA, LMAA, CIARB, SIAC and CIETAC rules.

Stuart has a particular interest in arbitrations with a connection to:

- The Caribbean (where he is called to the bar of the British Virgin Islands, and has acted in disputes connected with the BVI, Nevis, the Cayman Islands, the Bahamas and Trinidad and Tobago);
- Africa (where he has acted in disputes connected with Nigeria, Zimbabwe, Zambia and Egypt); and
- The Middle East (where he has acted in disputes connected with Dubai, Kuwait, Qatar, Sharjah, Abu Dhabi, Bahrain, Saudi Arabia and Iran).

Stuart has substantial experience, in litigation and arbitration, with a key focus in energy and natural resources. His cases have spanned issues of force majeure relating to interruptions in supply under long-term gas sale contracts, gas pricing, production sharing agreements, and litigation arising out of catastrophic oil spills. Energy disputes in which Stuart is involved typically involve difficult technical issues of expert evidence, including in relation to the extraction, marketing and behaviour of hydrocarbons or other natural resources.

Stuart also appeared as counsel in the leading English case on challenges to arbitration awards for serious irregularity under section 68 of the Arbitration Act 1996, *Therapy Beach Club Incorporated v RAV Bahamas Limited & Bimini Resort Management Limited* [2006] 1 A.C. 221.

Arbitration (including arbitration-related court applications)

- **Therapy Beach Club Incorporated v RAV Bahamas Limited & Bimini Resort Management Limited:** Acted for RAV Bahamas and Bimini Resort Management (led by Vernon Flynn QC) in their appeal to the Privy Council from the Court of Appeal of the Bahamas. The appeal was concerned with their challenge to an arbitral award on the basis of serious irregularity, made under section 90 of the Bahamas Arbitration Act 2009 (which is materially identical to section 68 of the English Arbitration Act 1996). That challenge was successful at first instance but overturned by the Bahamas Court of Appeal. The appeal to the Privy Council raised important issues as to the operation of section 90 of the Arbitration Act 2009 and its English equivalent, which had not previously been the subject of judicial consideration. The appeal was heard in February 2021. It was the first time the requirement of 'irregularity causing substantial injustice' had been considered by the highest court since the decision of the House of Lords in *Lesotho Highlands Development Authority v Impregilo SpA* [2006] 1 A.C. 221. The case has been reported in numerous places: [2021] A.C. 907; [2021] UKPC 8; [2021] 2 W.L.R. 1369; [2021] 2 Lloyd's Rep. 188; [2021] 4 WLUK 136; 196 Con. L.R. 1; Times, April 29, 2021.
- Acted (led by Graham Dunning QC) in a London-seated arbitration under the UNCITRAL rules between two shareholders in company which operates a substantial Zambian copper mine. The dispute relates to the management of that mine and the investment of c.US\$500m of the company's assets.
- Acted (led by Siddharth Dhar) in London-seated arbitration under the CIARB rules in respect of the supply of a defective component to a manufacturer of aircraft engines.
- Acted (led by Charles Ciumei QC) in an arbitration in relation to the enforceability of certain post-termination restrictive covenants in the Members' Agreement of a leading professional services provider. The arbitration was heavily expedited, progressing from the first statement of case to the evidential hearing in two months.
- Acted (led by Paul Key QC) on behalf of the claimants, which were owned and controlled by the investment authority of a Middle Eastern state, in a SIAC arbitration. The claim related to the claimants' acquisition from the respondents of shares in an Indian company. The claimants alleged they had been led to believe that the Indian company in question was a thriving and valuable one, when it was in fact worthless, and claimed damages for fraud and misrepresentation.
- Acted (led by Claire Blanchard QC and David Davies) in a series of related gas disputes between a state-owned midstream aggregator of gas and a

number of its downstream petrochemical customers. The individual arbitrations were seated in different jurisdictions and were governed by a number of different arbitral rules. However, each case involved damages claims for alleged failures to supply the contractually required quantity of gas for a sum in excess of US\$100m, as well as a dispute relating to the exercise of a contractual option to extend a long-term gas supply contract, in each case worth hundreds of millions of US dollars. The matters arose in the wake of the Macondo incident and involved a number of factual issues relating to the discovery, extraction and sale of gas and LNG. In view of the size of these disputes, they each involved a number of phases, and one involved a sampling process so as to reduce the scope of the evidence to a triable size. In addition, another of them was heard on a heavily expedited time frame.

- Advised (as sole counsel) the ambassador from one middle eastern state to another in connection with an LCIA arbitration relating to the exploration and development of two gas fields.
- Acted (led by Paul Key QC) on behalf of the claimant in an LCIA arbitration seated in Paris. The claim was for loss of profits of over US\$400m following the termination of an 'Off-Take Agreement' relating to a hydrocarbons plant, and involved a number of issues of Iranian law, including in relation to loss of profits.
- Acted (as sole counsel) for the applicants in application under section 43 of the Arbitration Act 1996 for a witness summons in connection with an LCIA arbitration.
- Advised (led by Vernon Flynn QC) a CIS state in connection with an UNCITRAL arbitration seated in Sweden. The dispute centred on a Production Sharing Agreement between the state and an international oil major, and involved a number of issues of contractual construction relating to the proper parties to the arbitration agreement, whether the purported claimant had standing to sue, and whether it had commenced arbitration against the correct respondent.
- Acted (as sole counsel) for the buyer in its claims for breach of contract against the seller in a series of related arbitrations governed by the SIAC and CIETAC rules, which arose out of a series of contracts for the international sale of goods. Significant issues included the possible consolidation of related arbitrations, contractual construction and variation and sale of goods law.

CAREER

- 2022** Called to the Bar of the Eastern Caribbean Supreme Court (Territory of the Virgin Islands)
- 2014** Tenant at Essex Court Chambers
- 2013-14** Pupillage at Essex Court Chambers (with David Scorey QC)

2013 Called to the Bar of England and Wales, Lincoln's Inn
2012-13 Supervisor in Civil Law, Selwyn College, University of Cambridge

Research assistant to Lord Neuberger of Abbotsbury
Research assistant to the Secured Transactions Law Reform Project

EDUCATION

2012-13 BPTC, Kaplan Law School (Outstanding)
2011-12 BCL, St Catharine's College, University of Oxford (Distinction)
2008-11 BA (Hons) Law, Selwyn College, University of Cambridge (First Class, ranked second in final year, ranked fourth in first year)

AWARDS

2013
Buchanan Prize (Lincoln's Inn)

2012
ESU John Smith Memorial Mace for England Champion
Lord Denning Scholarship (Lincoln's Inn)
Allen & Overy Prize for Corporate Insolvency (University of Oxford)

2011
Hardwicke Entrance Award (Lincoln's Inn)
3 Verulam Buildings Scholarship (University of Oxford)
Clifford Chance Prize for European Union Law (University of Cambridge)
Clifford Chance CJ Hamson Prize for Aspects of Obligations (University of Cambridge)
Fairest Prize in Law (Selwyn College, University of Cambridge)

2009
Fairest Prize in Law (Selwyn College, University of Cambridge)