



# Commercial, Insurance and Arbitration

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*Henderson Chambers fields ‘a cadre of silks and juniors few chambers can match.’*

**Chambers UK**

*Henderson Chambers ‘has long been involved in headline-grabbing cases.’*

**Chambers UK**

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Henderson Chambers’ Commercial, Insurance and Arbitration Group draws upon considerable experience in both contentious and advisory work across a variety of market sectors. The work of its members naturally overlaps within Chambers’ practice in other areas of expertise, including product liability, IT and procurement.

Members of the practice group have acted in some of the largest commercial claims in recent years, particularly supply chain/defective product disputes, major property damage and contamination claims in the Commercial Court, the TCC and in international arbitrations. We advise on all aspects of commercial law, including sale of goods, conflicts of laws and private international law, company law, competition law and commercial contracts. We advise and act on a regular basis in cross-border and multi-jurisdictional claims.

Our members have particular expertise in insurance coverage disputes, especially in relation to product liability, professional indemnity, property, factory and contractors’ all risks policies. We regularly advise on and draft policy wording and act in a wide variety of subrogated claims.

Members of Chambers have considerable experience in both domestic and international commercial arbitrations across various jurisdictions, and in relation to various arbitration bodies (including the ICC, LCIA and other institutions) and subject to a range of procedural rules.





Prashant Papat QC – ‘judges listen to him as they appreciate his measured, statesman-like approach.’  
Chambers UK

Geraint Webb – ‘Webb wins market respect with his ‘brilliant commercial and legal judgement,’ and his ability to grapple with highly complex scientific and technical issues. His practice spans pharmaceutical group actions, multiparty commercial claims and product liability insurance matters.’  
Chambers UK

Malcolm Sheehan is ‘commercial, accurate and a strong tactician.’  
Legal 500



### Commercial & Business law

Chambers’ experience spans a broad range of commercial and business law. We advise and represent multi-national organisations, foreign and domestic corporations, insurance companies, banks, government departments and agencies, local authorities, professional bodies and individuals in a wide variety of contentious and non-contentious matters.

We have particular experience of domestic and international sale of goods, contamination claims and major property damage claims. Recent work includes high profile contaminated food and drink claims (such as the Benzene Litigation, Sudan 1 and Para Red actions) as well as other contamination incidents, such as the 2007 Petrol Contamination litigation, claims for crop contamination incidents, as well as claims relating to defective engineering equipment, defective vehicles, and animal feed.

Our work has a significant international dimension and we regularly advise on cross border disputes and conflict of law issues. Recent instructions include a claim concerning alleged damage to a Colombian oil pipe line as well as a dispute between the largest power utility in Africa and one of Europe’s largest engineering groups following a major failure at a South African power station. We have particular expertise in relation to all EU law matters including public procurements and competition law.

We handle all aspects of finance and consumer credit, including goods and vehicles acquired or hired under finance arrangements.



Charles Gibson QC is ‘well placed to predict the likely outcome of his cases, many of which have a commercial and insurance slant to them.’  
Chambers UK

Jonathan Harvey’s ‘incisive mind and attention to the fine print win him applause from peers.’  
Chambers UK



In addition to our contentious work, we regularly draft and advise on commercial contracts, financial agreements and instruments, terms and conditions, exemption clauses, overdraft facilities, credit card/loan/hire purchase agreements and loan documentation for clearing banks.

We routinely act for both claimants and defendants in professional negligence claims arising out of allegedly negligent professional advice of accountants, financial and legal advisers.

### Insurance

Members of the practice group deal with all aspects of insurance law, including re-insurance, policy construction and coverage, drafting, disclosure and underwriting. We are regularly instructed directly by insurers.

Members of Chambers have advised on coverage and policy dispute issues over the course of many years, particularly on product liability, employer’s liability and property damage policies, which represent particular areas of expertise. We also have substantial experience in healthcare insurance matters, including the drafting of standard terms for major health insurers.

Recent examples of the international reach of our work include an insurance dispute concerning the application of foreign law in seven jurisdictions, an insurance coverage dispute in the Middle East under local law, a dispute arising out of property damage following a hurricane, and a product liability dispute concerning recalls in many different EU member states.



Roger Henderson QC and Rhodri Williams recently acted in [Brent London Borough Council v Risk Management Partners Ltd and others](#) CA [2009] EWCA Civ 490, a leading Court of Appeal decision on the powers of local authorities in relation to mutual insurance arrangements.

Lawrence West QC has recently represented 10 Local Authorities successfully at first instance and on appeal in the [Employers' Liability Litigation](#) in relation to liability cover for mesothelioma claims.

Many members of the Group are CEDR-accredited for mediation purposes.

**Arbitration**

A number of members of chambers have considerable arbitration practices, both as advocates acting in arbitrations and sitting as arbitrators in ICC and other arbitrations.

Areas of expertise in commercial arbitration and dispute resolution include domestic and international sale of goods, insurance and reinsurance, finance and commerce, engineering and disputes arising under bilateral investment treaties.

Members of Chambers have particular experience in insurance coverage disputes and insurance related arbitrations arising from losses caused by products, natural disasters, flooding, explosions, fires, and major contamination incidents.



Roger Henderson QC – 'If ever there was a doyen of the Bar, this luminary is it.'  
Chambers UK

Charles Gibson QC has exceptional knowledge of pharmaceutical and medical issues.  
Chambers UK

Malcolm Sheehan is 'a very robust and capable negotiator.'  
Legal 500



Richard Mawrey QC – 'one name that keeps cropping up as a consistently solid performer.'  
Chambers UK



**Notable Cases**

[Eskom v. Alstom & Others](#) (Commercial Court): dispute arising out of a catastrophic failure at a power station involving the largest power utility in Africa.

[ICC International Court Arbitration](#): acting for an insurer in a multi-million pound subrogated claim against one of Europe's largest engineering groups.

[International Commercial Arbitration, UNCITRAL Rules](#): acting for an insurer in a multi-million pound dispute in the Middle East under local law concerning coverage for a major plant failure.

[Tiscali v 186K](#) (Commercial Court): claim concerning the discontinuance of wholesale telecommunications facilities.

[The Sudan Red Litigation](#) (Commercial Court): representation of several parties to litigation concerning a contamination incident and the UK's largest ever food recall.

[The Benzene Litigation](#) (Bacardi-Martini, Britvic & others v Messer and Terra), Commercial Court, CA, sale of goods, contract terms, tort, loss of profits, concerning industry-wide recall of drink products following contamination with benzene.

[Florez Arroyo & Others v BP Exploration Company](#): group action concerning property damage and financial losses allegedly caused by an oil pipe line in Colombia.

[Arkin v Borchard Lines & Others](#) (Commercial Court/Court of Appeal): acting for shipping company in the leading case on the lawfulness of commercial litigation funding by independent companies.

[Employers' Liability Trigger Litigation](#): representing 10 Local Authorities in proceedings concerning liability cover for mesothelioma claims.

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Keeping watch over it all, turbo-charged, entrepreneurial head clerk John White. Chambers Student Guide

A 'tone and culture' of service that is a cut above other sets. Chambers UK

Henderson Chambers... provides 'an ethos of client care.' Legal 500

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At Henderson Chambers, we are committed to achieving the right outcome for our clients. We are proud to offer “a quick response; good value for money, in proportion to the problem at hand” (Legal 500).

The foundations of our excellence in client service are our pedigree, our intellectual ability and our knowledge of our specialist areas of practice. We consider ourselves approachable, friendly and enthusiastic. At the heart of our client-friendly ethos is our open-door policy and our commitment to dealing with every client on a personal, individual basis.

We take on a wide range of cases, and no matter what the issues, we take pride in understanding our clients and their differing needs, including the commercial realities they face and the markets they operate in. The Legal 500 states we offer “common sense and good business thinking,” adding that we show “a high level of skill” and “work directly and promptly.”

We invest considerable effort and resources in ensuring that our clerking function delivers the consistency of service that we believe our clients deserve. Legal 500 highlights our “impressive, efficient clerking,” while Chambers UK refers to “a client service mentality that is streets ahead of most.”

Our website was the first to offer direct access to the public. We believe direct access – which is used by smaller business, commercial and insurance clients – is an important element of the service we offer and which our clients need.



Henderson Chambers is home to 42 barristers, including nine QCs – “large enough to offer a versatile and wide ranging service, but not so large as to be impersonal” (Chambers UK).

We are recognised in both Legal 500 and Chambers UK as having expertise in all of the main areas in which we practice, and we are a winner of a Chambers Bar Award 2010.

We aim to provide a flexible and commercial service tailored to the needs of our clients. In addition to receiving instructions from solicitors, we accept instructions under the Licensed and Public Access schemes from a wide range of organisations.

Members of Chambers regularly deliver seminars, in-house training and lectures to ensure our clients are both informed and able to benefit from our specialist expertise and advice.

In addition to our own European law expertise, we have close links with barristers practising in Brussels, and we are able to advise and provide representation regarding all European law matters, including competition, trade, anti-dumping, public procurement and state aid, as well as appearing before the European Court of Human Rights in Strasbourg.

**Contact us**

For any enquiries in relation to our Commercial, Insurance and Arbitration work, or for questions regarding any other practice group areas, please contact John White, Chief Clerk:

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Email: [clerks@hendersonchambers.co.uk](mailto:clerks@hendersonchambers.co.uk)





We also have the following brochures available for our other practice areas:

- Product Liability & Group Actions
- Health, Safety & Environment
- Employment
- Technology & Construction
- Property
- Finance & Consumer Credit
- Public Sector

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*Friendly and approachable barristers.*  
**Chambers UK**

*Always helpful and eager to work in a team.*  
**Chambers UK**

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