

Illegality and Fraud: Effect on Contracts and Arbitration Proceedings



The London Branch of the Chartered Institute of Arbitrators held a joint seminar with the London Maritime Arbitrators Association entitled “Illegality and Fraud: Effect on Contracts and Arbitration Proceedings” on 7 December 2015.

The seminar was hosted by Ince & Co LLP. The distinguished panel, chaired by Sir Bernard Eder (Former High Court Judge), comprised David Lewis QC (20 Essex Street), Ian Gaunt (LMAA), Paul Herring (Ince & Co LLP) and Edward Album (LB Committee).

London is a major international centre for arbitrations based on maritime and international commerce. Particular challenges are posed for practitioners when a contract or its performance is affected by fraud or illegality.

Identifying areas of clarity and ambiguity, David Lewis QC provided a concise overview of the present state of case law in this area.

Ian Gaunt identified significant examples of maritime fraud, with particular consideration of the impact of backdating bills of lading, bribery and extortion.

Focussing on commodity and non-maritime contracts, Edward Album provided an overview of case law on illegality in this area.

Paul Herring offered a commercial perspective on issues arising in respect of bills of lading and the balance to be struck when making enquiries about the condition of cargo.

Sir Bernard Eder concluded by emphasising the importance of the CIArb and the LMAA as institutions at the heart of arbitration in London.

An interesting and lively question and answer session followed the speakers' presentations after which Irvinder Bakshi (LB Chair) thanked the speakers and organisers.

Ince & Co LLP generously hosted a reception for the speakers and attendees.

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