

# Professor Sir Bernard Rix

SILK: 1981 | CALL: 1970

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## Overview

Sir Bernard retired in 2013 as a Lord Justice of Appeal with 20 years' experience in the Commercial Court and the Court of Appeal. Since 2013 he has accepted appointments as an arbitrator and mediator in a wide variety of settings, including oil and gas, shipping, insurance, sale of goods, and share purchase transactions. He has acted as an expert witness, mock arbitrator and special master in the US federal courts.

He has experience of arbitrations under the rules of, amongst others, the LCIA, ICC, SIAC, HKIAC, JCAA and LMAA as well as ad-hoc. Sir Bernard has conducted virtual arbitration hearings including taking witness and expert evidence remotely.

He is an International Judge of the Singapore International Commercial Court and a member of the Cayman Islands Court of Appeal. He is also Professor of International Commercial Law at The Centre of Commercial Law Studies at Queen Mary, University of London.

As a barrister, Sir Bernard practised in commercial chambers at 3 Essex Court (now Twenty Essex). He specialised in international commercial and arbitral disputes (as both barrister and arbitrator) and also appeared in the courts of Singapore and Hong Kong. He was Chairman of the Commercial Bar Association in 1992–1993.

In 1993 Sir Bernard was appointed to the High Court and sat predominantly in the Commercial Court, of which he was judge in charge from 1998 to 1999. In that period, he was responsible for introducing to the Commercial Court the Woolf Reforms to civil procedure law (the Civil Procedure Rules) and redrafting the

## Panel memberships

- HKIAC Panel of Arbitrators
- JCAA (Japan Commercial Arbitration Association)
- SIAC Panel of Arbitrators
- SCMA Panel of Arbitrators
- P.R.I.M.E Finance Panel of Experts
- KCAB INTERNATIONAL Panel of International Arbitrators

## Professional memberships

- British Institute of International and Comparative Law: Former Trustee
- British Insurance Law Association: Former President
- British Institute of International and Comparative Law (BICCL): Honorary Fellow
- Centre for Commercial Law Studies, Queen Mary University of London: Former Chairman, Advisory Council
- CIArb: Former Fellow
- Commercial Bar Association: Former Chairman (1992–93)
- Harvard Law School Association of the

Commercial Court's Guide and Practice Directions.

In 2000 Sir Bernard was appointed to the Court of Appeal where he delivered a wide range of judgments on arbitration, aviation, banking, insurance and reinsurance, private and public international law, oil and gas, sale of goods and shipping disputes.

UK: Former President

- London Philharmonic Orchestra: Advisory Council member, Former Director
- Scottish Arbitration Centre: Member
- University of Oxford, New College: Honorary Fellow
- University of London, Queen Mary's: Honorary Fellow

## Education

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- Harvard Law School
- New College, Oxford

## Example arbitral appointments

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Over 150 appointments since 2013 number including cases concerning:

- Oil and gas pricing disputes
- Oil and gas exploration, development, extraction and sale disputes, under the laws of various nations
- Share investment, put option, pre-emption and valuation disputes
- Hydro-electric construction and investment disputes
- Takeover disputes
- Shipping disputes concerning hire, shipbuilding, ship sales, and fleet investment
- Insurance disputes of all kinds, including business interruption, political, Covid, financial and property loss risks
- Banking disputes including concerning banking securities
- Aviation services dispute
- High value rail infrastructure project in a major city, under a civil law proper law
- Hotel project in Africa
- Dispute arising out of the construction of a major energy plant
- Mock arbitrations concerning patent protections for pharmaceutical developments under numerous national laws

## Example judgments

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- *Yukos v Rosneft (No 2)* [2013] 1 All ER (Comm) 327: Court of Appeal judgment on the act of state doctrine.
- *Dallah v Government of Pakistan* [2010] Bus LR 384: Court of Appeal judgment on international enforcement of arbitration awards (upheld by the Supreme Court).
- *R (Al-Skeini) v Secretary of State for Defence* [2007] QB 140: Court of Appeal judgment (upheld by the House of Lords) on the jurisdictional scope of the European Convention of Human Rights.
- *Kuwait Airways v Iraqi Airways (Nos 4 and 5)* [2002] 2 AC 883: parts 22-35 and 43-54 of the Court of Appeal judgment, upheld by the House of Lords, on international law.
- *The Angelic Grace* [1994] 1 Lloyd's Rep 168: Commercial Court judgment, upheld by the Court of Appeal ([1995] 1 Lloyd's Rep 87) which is the modern origin of the anti-suit injunction for breach of an arbitration clause or an exclusive jurisdiction clause.
- *Channel Tunnel Group Ltd v Balfour Beatty Construction Ltd* [1992] 1 QB 656: (Court of Appeal, affirmed in the House of Lords) concerning the operation of the arbitration clause in the contract for construction of the Channel Tunnel.

- *Congreso del Partido* [1983] 1 AC 244 (HL): which introduced the commercial exception to English law's previous absolute doctrine of sovereign immunity.
- *Mareva Compania Naviera SA v International Bulkcarriers SA* [1975] 2 Lloyd's Rep 509: the eponymous origin of the "Mareva injunction", now called a freezing order.

## Recommendations

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Bernard Rix is able to grasp very complex facts very quickly. He is very proficient and competent in ensuring a fair arbitration procedure. [Chambers UK Bar 2024](#)

He is excellent - very quick and decisive. [Chambers UK Bar 2024](#)

He is very successful. He is a top arbitrator. [Chambers UK Bar 2022](#)

Sir Bernard is a brilliant intellect, a master of analysis and of complex cases, always able to see all aspects and sides of an issue, very balanced, fair-minded and courteous. [The Legal 500 UK Bar 2022](#)

Exceptionally fair and careful. [Chambers UK Bar 2022](#)

He is very astute and very good on the law. [Chambers UK Bar 2021](#)

A very hard-working arbitrator. [Chambers UK Bar 2020](#)

Very able, amiable and penetratingly quick. [The Legal 500 UK Bar 2020](#)

An exceptional arbitrator [Who's Who Legal 2018](#)

He is a very clever man – extremely quick and responsive, particularly as chairman. [Who's Who Legal 2018](#)

Very experienced, bright and commercial. [Chambers UK 2018](#)

Down to earth. [The Legal 500 UK Bar 2017](#)