

# Sir Peter Gross

**SILK: 1992 | CALL: 1977**

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## Overview

The Rt Hon Lord Justice Peter Gross (Sir Peter Gross) has enjoyed an eminent legal career spanning over 40 years and joined Twenty Essex as a full-time arbitrator in October 2019. Sir Peter has accepted appointments as party-appointee and as Presiding Arbitrator under leading institutional rules (ICC, LCIA, SIAC, HKIAC) and in ad-hoc arbitrations (UNCITRAL, LMAA, SCMA).

He was appointed Lead Judge for International Relations in January 2018. He has undertaken many judicial visits abroad, including Jamaica, Guyana, Kazakhstan, Pakistan, Bahrain, Qatar, Iraq, Argentina, USA, Jordan, Brunei, Singapore, Saudi Arabia and Uzbekistan since 2003.

Sir Peter was Co-Chairman of the Standing International Forum of Commercial Courts (SIFoCC) Case Management Working Group, “Working Presumptions – International Best Practice”, which were endorsed and published by SIFoCC in May 2020.

On retirement from the Court of Appeal, Sir Peter was appointed President of the Slynn Foundation in November 2019, dedicated to advancing the Rule of Law internationally.

In December 2020 Sir Peter was appointed by the Lord Chancellor to chair the Independent Human Rights Act Review (IHRAR) examining whether the Human Rights Act 1998 is working effectively. IHRAR’s Report was laid in Parliament and published in 2021.

Sir Peter has been included in the list (published in December 2020) of those to be appointed to arbitration panels established under the EU-UK Withdrawal Agreement to address disputes between the EU

## Professional memberships

- DIFC Court of Appeal
- Judicial Commissioner of the Supreme Court of Brunei Darussalam
- SIAC Panel of Arbitrators
- HKIAC Panel of Arbitrators
- LMAA: Supporting Member
- Gray’s Inn: Elected Treasurer for 2022
- Gray’s Inn: Elected Vice-Treasurer for 2021
- Gray’s Inn: Master of the Bench: Current
- Gray’s Inn Management Committee: Past Elected Member and Chairman (2018)
- Gray’s Inn, Master of Moots (2004-2006)
- LCIA

## Education

- University of Cape Town (B.Bus.Sc.; M.Bus.Sc)
- Oriel College, Oxford (MA, BCL)

## Scholarships

- Rhodes Scholar 1972

and UK under that Agreement.

In January 2021, Sir Peter was appointed to the Court of Appeal of the Dubai International Financial Centre ("DIFC").

In May 2021, Sir Peter was appointed a Judicial Commissioner of IPCO.

In October 2023, Sir Peter was appointed a Judicial Commissioner of the Supreme Court of Brunei Darussalam.

Sir Peter was appointed to the Court of Appeal in 2010 and was appointed Deputy Senior Presiding Judge for England and Wales in October 2011, thereafter becoming Senior Presiding Judge for England and Wales from January 2013 to December 2015. A Bencher of Gray's Inn, he was an elected member of the Management Committee (2016-2018), serving as Chairman of the Management Committee for 2018 and has been elected as Vice-Treasurer for 2021. Sir Peter is the elected Treasurer of Gray's Inn for 2022.

Appointed a Judge of the Queen's Bench Division in 2001, he was designated a Judge of the Commercial Court in 2002 and was Judge in Charge of the Commercial Court from 2009 to 2010. Sir Peter was a Presiding Judge of the South-Eastern Circuit (2005 – 2008). He was designated a Judge of the Special Immigration Appeals Commission in 2009 and was Chairman of the Standing Committee on Judicial Security (2009 – 2011).

At the Bar, Sir Peter practiced in commercial chambers, from 1989 at 3 Essex Court (now Twenty Essex), and was appointed a Queen's Counsel in 1992. He specialised in international commercial, admiralty and arbitration disputes (as both barrister and arbitrator).

Lord Justice Gross sat as a Recorder from 1995 until 2001, latterly as a Deputy High Court Judge, and chaired the London Common Law & Commercial Bar Association from 1995 until 1997. He also chaired the Bar Education & Training Committee (1998 – 2000) and the Bar International Relations Committee (2001).

Below is a selection of judgments from 2001 to 2019. Key cases as a barrister are also listed.

## Speeches, writing, reviews

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- [\*Iraq 2018-2019: The Rule of Law: A Perspective\*](#), St. Antony's College (3 March 2023). This speech is also featured in [this podcast episode](#).
- [\*The Independent Human Rights Act Review \("IHRAR"\) and Beyond\*](#), ALBA Keynote Lecture (10 November 2022).
- *The Least Dangerous Branch – The Judiciary Today*, Institute of International Shipping and Trade Law 20th Anniversary, Swansea University – Public lecture (7 December 2020).
- *Standards*, Keynote Address, Bond Solon 25<sup>th</sup> Annual Expert Witness Conference (8 November 2019).
- *The Role of the Judiciary in the Implementation and Application of English Law* (18 October 2019), International Conference: English Law Day in Tashkent.
- *Shipping Law, Shipping Lawyers and Admiralty Courts: The Future – The Next 5-10 Years*, Singapore Shipping Law Forum (9 October 2019), Centre for Maritime Law, the National University of Singapore.
- *Upholding the Rule of Law: The Role of the Courts and Members of the Bar* (17 September 2019), Forum Organised by the Supreme Court of Brunei Darussalam.
- Foreword to *New Technologies, Artificial Intelligence and Shipping Law in the 21<sup>st</sup> Century* (2019), edited by Baris Soyer and Andrew Tettenborn (Papers from Colloquium,

- Gray's Inn Holker Awards, Entrance and Senior, 1976 and 1977
- Eldon Scholarship, Oriel College, Oxford, 1978

Institute of International Shipping and Trade Law, Swansea University, September 2018).

- *Courts and Arbitration*, 2<sup>nd</sup> Jonathan Hirst QC Commercial Law Lecture (1 May 2018), [2018] LMCLQ 497.
- *A Good Forum to Shop In: London and English Law Post-Brexit*, 35<sup>th</sup> Annual Donald O'May Maritime Law Lecture (1 November 2017), [2018] LMCLQ 222.
- Served on Oxford Advisory Group assisting the author Professor Andrew Burrows, *A Restatement of the English Law of Contract* (OUP, 2016).
- *The Judicial Role Today* (23 November 2016), Queen Mary University, Law and Society Lecture.
- *Judicial Leadership* (23 June 2016), Gray's Inn, Gresham College Lecture, Barnard's Inn.
- *The Judicial System in a Modern Democracy* (8 May 2015), Royal College of Defence Studies.
- [\*Further Review of Disclosure in Criminal Proceedings: Sanctions for Disclosure Failure\*](#), Lord Justice Gross and Lord Justice Treacy (November 2012).
- [\*Review of Disclosure in Criminal Proceedings\*](#), Lord Justice Gross (September 2011).
- *National Security and the Courts* (16 November 2010), Royal United Services Institute.
- *Anti-suit injunctions and arbitration*, [2005] LMCLQ 10.
- *Separability Comes of Age in England*, *Arbitration International*, 1995, Vol. 11, Issue 1, pp. 75-84.
- *Competence of Competence: An English View*, *Arbitration International*, 1992, Vol. 8, Issue 2, pp. 205-214.

## Jurisdiction and conflict of laws

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- *Merinson v Yukos* [2019] EWCA Civ 830; [2019] 3 WLR 877: Brussels Recast Regulation// jurisdiction// settlement agreement.
- *Bosworth v Arcadia Petroleum* [2016] EWCA Civ 818: Lugano Convention// jurisdiction.

## Shipping, commercial and arbitration

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- *The Arctic* [2019] EWCA Civ 1161: Shipping// bareboat charterparty// whether term as to maintenance of class throughout charterparty was a condition or an innominate term.
- *Sino Channel Asia v Dana Shipping* [2017] EWCA Civ 1703; [2018] 1 Lloyd's Rep. 17: Arbitration// jurisdiction of arbitrator// whether notice of arbitration effective.
- *Grand China Logistics v Spar Shipping* [2016] EWCA Civ 982; [2016] 2 Lloyd's Rep 447: Shipping// time charterparty// contract// condition or innominate term// classification of withdrawal clause.
- *Proactive Sports Management v Rooney* [2011] EWCA Civ 1444: Sports agents// football// image rights// restraint of trade.
- *The Saldanha* [2010] EWHC 1134 (Comm); [2011] 1 Lloyd's Rep 187: Shipping// charterparties// off-hire clauses// piracy.
- *Venture North Sea Gas v Nuon Exploration & Production UK Limited* [2010] EWHC 204 (Comm): Energy// petroleum licences// joint operating agreements// contractual interpretation.
- *Equitas Ltd v R&Q Reinsurance Co* [2009] EWHC 2787 (Comm); [2010] Lloyd's Rep IR 600: Market question// Excess of loss reinsurance// retrocession contracts// actuarial science// best evidence.
- *IPCO (Nigeria) Ltd v Nigerian National Petroleum Corp* [2005] EWHC 726; [2005] 2 Lloyd's Rep 326: Arbitration// New York Convention// enforcement of awards.
- *Norsk Hydro ASA v State Property Fund of Ukraine* [2002] EWHC 2120: Arbitration// enforcement of award// jurisdiction// state immunity.

## Admiralty

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- *The Alkyon* [2018] EWCA Civ 2760; [2019] 1 Lloyd's Rep 406: Ship arrest// whether vessel should be released unless arresting party provided a cross-undertaking in damages// manner of developing the law// whether law on arrest to be aligned with law governing freezing injunctions.
- *Alexandra I and Ever Smart* [2018] EWCA Civ 2173; [2019] 1 Lloyd's Rep 130: Ship collision// crossing rules// apportionment of liability.
- *Owners of the Global Mariner v Owners of the Atlantic Crusader* [2005] EWHC 380; [2005] 1 Lloyd's Rep 699: Ship collision// apportionment// nautical assessors – procedure.

## Government

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- *FCO v Bamieh* [2019] EWCA Civ 803: Whistleblower protection// extraterritoriality// applicability to co-workers at international mission.
- *Bank Mellat v HM Treasury* [2019] EWCA Civ 449: Banking// customers// confidentiality// Sanctions// disclosure// conflict between local procedural law and law in home country of the litigant.
- *R v Syed* [2018] EWCA Crim 2809; [2019] 1 WLR 2459: Terrorism// entrapment// English law and Strasbourg jurisprudence.
- *R (Webster) v Sec. of State for Exiting the European Union* [2018] EWHC 1543: Brexit challenge.
- *Secretary of State for Transport v Stagecoach South Western Trains Ltd* [2009] EWHC 2431 (Comm); [2010] 1 Lloyd's Rep 175: Rail franchising// train operating companies// construction of arbitration clause// train operating companies.

## Fraud and corruption

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- *R v Varley and others* [2019] EWCA Crim 1074: Financial markets crash 2008// whether in the course of Barclays raising capital from Qatari and other entities, criminal offences were committed// Prosecution appeal.
- *R (KBR) v Director of the Serious Fraud Office* [2018] EWHC 2368 (Admin); [2019] QB 675: Foreign companies// disclosure// extraterritoriality// SFO Notice to produce documents held by corporation outside the jurisdiction.
- *R (Merida Oil Traders Limited) v Central Criminal Court* [2017] EWHC 747 (Admin); [2017] 1 WLR 3680: Judicial review// market integrity// money laundering// rule of law.
- *R (Unaenergy) v The Director of the Serious Fraud Office* [2017] EWHC 600 (Admin); [2017] 1 WLR 3302 : Oil industry// SFO investigation into alleged corruption abroad// Letter of Request to foreign authority.
- *R (Soma Oil and Gas Limited) v Director of the Serious Fraud Office* [2016] EWHC 2471 (Admin); [2017] Crim LR 65: Oil exploration activities// SFO investigation into alleged bribery and corruption.
- *Blue Holdings v National Crime Agency* [2016] EWCA Civ 760; [2016] 1 WLR 4375: Combating international crime and corruption// right to inspect documents// insisting on procedural standards.

## Damages

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- *Capita v Drivers Jonas* [2012] EWCA Civ 1417: Expert evidence// investment advice// loss// measure of damages// professional negligence// Shopping centres// tax credits.
- *Borealis v Geogas Trading* [2010] EWHC 2789 (Comm); [2011] 1 Lloyd's Rep 482: Contract// causation// breaking chain of causation// damages// contaminated feedstock for plant.

## Contractual and statutory construction

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- *Saad Investments v Al Sanea* [2012] EWCA Civ 313: Contractual construction// shares// put options// service out of the jurisdiction.
- *Ener-G Holdings v Hormell* [2012] EWCA Civ 1059: Share sale// construction of contract// business sense// certainty// service of notice// time limits.

## Authorities as a barrister (2001 or before)

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- *HIH Casualty and General Insurance Ltd v New Hampshire Insurance* [2001] 2 Lloyd's Rep 161: Insurance// reinsurance//

film finance.

- *Inco Europe v First Choice* [2000] 1 WLR 586 (HL): Arbitration// statutory interpretation.
- *The Angelic Grace* [1995] 1 Lloyd's Rep 87 (HL): Arbitration// anti-suit injunction.
- *The Gregos* [1994] 1 WLR 1465 (CA): Time charterparties// legitimacy of final voyage orders.
- *The Nanfri* [1979] AC 757 (HL): Equitable set-off// time charterparties// clausing bills of lading// repudiatory breach.