

HFW



WHY CHOOSE HFW?
ADMIRALTY AND CRISIS MANAGEMENT



INTRODUCTION

HFW is an international law firm with a reputation worldwide for excellence and innovation and aims to deliver a practical and commercial response to the legal requirements of business throughout the world.

Our Admiralty and Crisis Management group has a physical presence in offices across Europe, the Middle East, Asia Pacific and the Americas. Our team offers substantial international experience having assisted in matters and cases throughout the world. Where necessary we are able to mobilise an extensive network of legal contacts and experts and, as required, to manage them as 'global counsel' for a comprehensive service.

As a firm we have concentrated expertise in a range of industry sectors including shipping, energy (onshore and offshore; renewable and natural resources), insurance and reinsurance, logistics, ports and terminals as well as our practice specialisms. It is this combination that enables us to deliver practical and commercial responses to the legal requirements of our clients' businesses.

In this document we outline the key aspects of our approach as a legal services provider and some examples of the broad industry and technical experience that members of the group can provide.

If you have any questions please do not hesitate to contact myself or one of my colleagues. We look forward to better understanding your business and how we can assist in meeting your legal requirements.

DOMINIC JOHNSON
HEAD OF ADMIRALTY AND CRISIS MANAGEMENT



WHY CHOOSE HFW?

Admiralty and Crisis Management Group

The Admiralty and Crisis Management group, the largest specialist marine casualty practice in the world, is serviced by over 30 lawyers and master mariners based in our offices across the globe. Our clients include ship owners, P&I clubs, banks, international agencies, shipyards, charterers, insurance underwriters, salvage companies, governments and brokers.

Focused and collegiate team

Our team's expertise, size, global reach, and collegiality enables us to deliver collective knowledge and technically excellent advice to our clients, whilst maintaining a highly personalised relationship service.

Strength in depth

The Admiralty and Crisis Management group works closely with our wider practice and sector groups to deliver to clients comprehensive technical and legal support when and where required. We deliver the strength and depth necessary to support our clients on the most urgent, challenging and complex matters.

Full service support

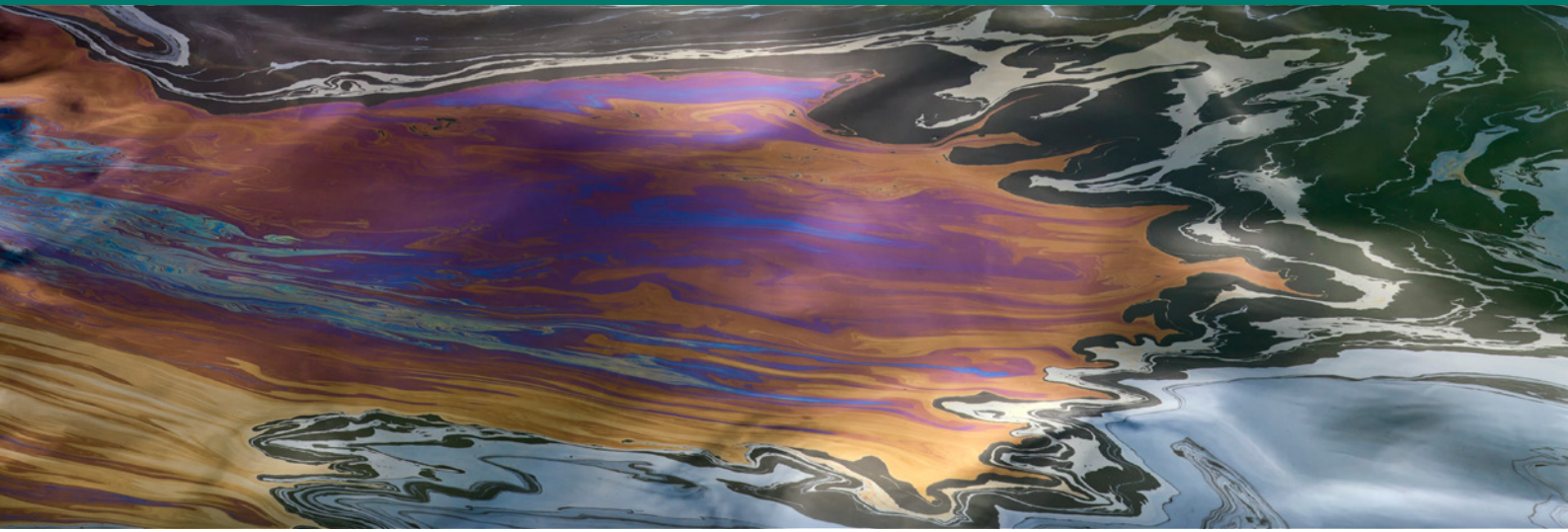
Our team advises on the full range of legal issues that arise from marine and offshore emergencies such as collisions, groundings, pollution, fire and explosions, salvage, wreck removal, environmental and regulatory challenges and towage as well as maritime security and piracy and hostile environments.

Emergency out of hours service

Our team of experienced casualty response lawyers and master mariners travel, on demand, 24 hours a day, seven days a week, worldwide. Our global network can be on location within 24 hours practically anywhere in the world.

Our approach

- We are a leading international law firm with over 600 lawyers across 15 jurisdictions advising clients on legal issues relating to all aspects of international commerce.
- We have advised shipping clients for over 130 years gaining a reputation worldwide for excellence and innovation.
- We direct our energies to understanding and meeting our clients' needs and commercial objectives.
- By understanding our clients' business and the markets in which they operate, we provide effective legal solutions which reflect the practical realities.
- We operate seamlessly across our global network of offices, enabling us to offer local knowledge and around the clock support.
- We service our clients' businesses throughout the world where necessary working with and, where required, managing selected local counsel.
- However challenging the jurisdictions in which businesses operate we can assist in maintaining international standards of ethical and business behaviour.
- We believe in offering our clients a relationship service and are, first and foremost, a professional services firm focused on our clientele.
- We offer a range of innovative fee structures and solutions to suit your business.



POLLUTION

HFW has extensive experience of advising owners, charterers, government agencies, banks and cargo owners in relation to potential civil and criminal ship-source and land based oil pollution liability in a wide range of jurisdictions.

Recent work

- Advising Owners and their insurers on their liabilities following an oil spill in South East Asia under applicable international conventions including the CLC, Fund Convention and the operation of STOPIA.
- Advising the IOPC Fund in relation to claims and recourse actions following significant oil pollution and wreck damage occurring in the Greek Islands.
- Liability investigation into collision resulting in major oil spill along the Indian coastline. Advising on limitation of liability issues, application of the CLC, assessment of claims from the authorities and fisheries.
- Acting for Owners and underwriters in relation to an explosion occurring whilst a gas carrier was alongside a gas terminal in South America which resulted in the total destruction of the terminal and vessel and resulting liability, pollution and loss of life claims.
- Advising a major bank in relation to potential oil pollution liability in respect of proposed new oil trading venture, to include advice relating to MARPOL 73-78, CLC 1992, Fund Convention 1992, Bunker Convention 2001, Supplementary Fund Protocol 2003, HNS Convention 1996 and EU Directive 2005/35/EC on ship-source pollution.

- Dealing with oil and non-oil pollution (i.e. cargo debris) issues and liabilities following the grounding and subsequent wreck of a containership on the UK coastline including its subsequent cleanup and removal.

What our clients say about us

“THEY ARE A HIGHLY EFFICIENT TEAM WITH GOOD COMMERCIAL INSIGHT.”

CHAMBERS, SHIPPING (UK) 2023

“UNIQUE EXPERIENCE AND EXPERTISE IN THE FIELD. THEY HAVE BEEN MARKET LEADERS FOR SOME SIGNIFICANT TIME.”

LEGAL 500 2023

“BENEFITING FROM A COMPREHENSIVE KNOWLEDGE OF THE SHIPPING INDUSTRY.”

LEGAL 500, HONG KONG: SHIPPING, 2020



COLLISIONS

HFW has advised on many major collision incidents in recent years and has access to the latest technology to assist with investigating potential navigational or mechanical faults with a view to establishing liability.

HFW deal with all issues which may arise out of a collision including navigational fault, limitation of liability, jurisdictional disputes, pollution, intervention by the authorities, salvage, wreck removal and third party claims. HFW also has quantum experts to assist with quantifying and recovering claims following a collision.

Our global network of casualty investigators means that we can respond to collisions and get on location practically anywhere in the world within 24 hours. Our team aims to be onboard before any local authorities, other interested parties or the media are involved. Our mariners have extensive seagoing experience across a range of vessels and have an in depth knowledge of modern vessel systems.

Recent work

- “AVIATO” c/w “ATLANTIC GRACE” (2021) alvors on a collision in the Gulf of Kutch on 27 November 2021. Salvage services were provided under Lloyds Open Form salvage agreement (the “LOF”).
- “SANCHI” c/w “CF CRYSTAL” (2018) – Collision in the East China Sea resulting in the sinking off a fully laden tanker and loss of life. Advising on all issues arising out of the collision including intership liabilities, cargo claims, LOF salvage, pollution, jurisdiction, limitation of liability, cargo and wreck removal issues.

- “AL ORAIQ” c/w “FLINTERSTAR” – Collision between a fully laden LNG carrier and a general cargo vessel off Antwerp. This collision resulted in the total loss and wreck removal of “FLINTERSTAR” and large claims between the parties and from the Belgian authorities.
- “CHALRTON” c/w “RICH FUTURE” (2016) – Collision in the River Plate resulting in substantial damage to both vessels, with “CHARLTON” requiring extensive salvage services and transshipment of her entire cargo.
- “DAWN KANCHIPURAM” c/w “BW MAPLE” (2016) – Collision off India resulting in widespread pollution. Advising on collision liability, limitation of liability, third party claims and collision quantum.
- “APL DENVER” c/w “WAN HAI 301” – Collision off Malaysia resulting in cross-border pollution. Investigating liability and dealing with the release of the vessel from detention in Malaysia. Advising on salvage, pollution claims, jurisdictional issues, intership liability and quantum of claims.
- “WESTERN REGENT” – Collision by a seismic research vessel with a well-head marker buoy in the North Sea. This collision matter resulted in the leading judgment which confirmed that a shipowners’ right to invoke limitation under the LLMC 1976 is not restricted to jurisdictions in which claims are brought.

What our clients say about us

“HFW ARE VERY STRONG IN HANDLING MULTI-JURISDICTIONAL SHIP COLLISION CASES.”

CHAMBERS UK SHIPPING, 2023



GENERAL AVERAGE

General Average is one of the most complex and challenging areas of crisis management combining legal expertise, expert input, liaising with overseas law firms and requiring an understanding of a most ancient and niche practice that has evolved with international trade.

We regularly advise on complex general average events arising out of some of the markets most challenging casualties and are leading the way with innovative solutions for clients struggling to resolve the effects of general average with their business needs.

Recent work

- Advising an IG P&I Club on the consequences of an interim funding agreement reached during a casualty which affected the net recipients in general average. Complex issues of Rule F and substituted expenses.
- Advising on the effects of GA provisions in container line charterparties obliging parties to provide bridging GA security and/or attempting to avoid it.
- Drafting bespoke general average avoidance agreements during a casualty and advising on their effect on the parties contributions to sacrifice and expenditure.
- Advising owners on the strength of cargo interests' defense for paying their proportion of general average and obtaining strike out of that defense and summary judgment in the English Court.

- We have advised many IG P&I Clubs on the best way to enforce general average bonds and guarantees with excellent results often close to the entire amount demanded plus interest and costs.
- Advising on the adequacy of general average bonds and guarantees for both Owners and Cargo Interests.

What our clients say about us

“THIS PRACTICE HAS A WEALTH OF EXPERIENCE AND GREAT COVERAGE IN ALL SHIPPING MATTERS. THEIR MULTIDISCIPLINE TEAMS ARE CAPABLE TO SUPPORT CLIENTS ACROSS COMMERCIAL, TECHNICAL AND REGULATORY.”

LEGAL 500, SHIPPING 2023

“HFW HAVE A HUGE PRESENCE IN SHIPPING AND ARE WELL RESOURCED FOR THE LARGE, COMPLEX CASES.”

LEGAL 500, SHIPPING 2023

CLIENTS COMMENT “THEY ARE HIGHLY RESPONSIVE AND THERE IS ALWAYS RELIABLY ACUTE EXPERTISE AT HAND.”

CHAMBERS, UK-WIDE: TRAVEL, 2020



MARINE INSURANCE

With one of the longest established and largest marine practices in the world, our team has a specialist understanding of the legal principles relating to marine insurance and a sound commercial understanding of the marketplace. Our specialists are able to advise on all aspects of Marine Insurance.

We regularly advise on major marine casualties and policy coverage/subrogation disputes, and are the experts retained to review, draft and amend a wide variety of policy wordings.

Recent work

- *Versloot Dredging BV and another (Appellants) v HDI Gerling Industrie Versicherung AG and others (Respondents)* [2016] UKSC 45 (the “DC MERWESTONE”) when we successfully redefined the scope of the fraudulent device doctrine with one of the most wide ranging insurance cases in recent years, impacting all lines of business.
- *Kairos Shipping Ltd v Enka & Co LLC and Ors* [2014] EWCA Civ 217 (the “ATLANTIK CONFIDENCE”) when we broke tonnage limitation for the first time ever in a common law jurisdiction and successfully proved that the vessel was scuttled.
- *Venetico Marine SA vs International General Insurance Company Limited and Nineteen Others* [2013] EWHC 3644 (Comm) (the “IRENE EM”). This case has been part of the recent development on the law surrounding actual and constructive total losses, where we successfully contended that the vessel was a total loss.

- *Cosco Bulk Carrier Co Ltd v Tianjin General Nice Coke and Chemicals Co Ltd (The “Jia Li Hai”)* –EWHC 2509 when we successfully claimed contribution from cargo interests against an unseaworthiness defence.

What our clients say about us

“IN RELATION TO COMPLEX MARINE AND ENERGY DISPUTES THE TEAM HAS A BREADTH OF KNOWLEDGE AND A VERY PRAGMATIC / COMMERCIAL APPROACH TO PROVIDING ADVICE. FOR CLIENTS WANTING SUPPORT TO FIND A COMMERCIAL SOLUTION, WHILST MAINTAINING THE POSSIBILITY OF DISPUTE ESCALATION IS A PARTICULAR STRENGTH.”

LEGAL 500, INSURANCE LITIGATION, 2023

“GOOD COMMERCIAL KNOWLEDGE. CAN ACT ACROSS THE MARKET. VERY GOOD KNOWLEDGE OF INTERNATIONAL MARKETS.”

CLIENT TESTIMONIAL IN LEGAL 500, INSURANCE AND REINSURANCE LITIGATION, 2023



YACHTS

HFW has a market leading yacht practice with a dedicated team of yacht lawyers expert in the entire life cycle of yacht law. From new builds to financing to sales, right through to casualty response and insurance coverage.

Our micro site www.hfwyachts.com shows our dedication to this market and our expertise.

Recent work

- Acting in relation to the crash of a helicopter whilst landing on a yacht.
- Acting for Owners and underwriters following a series of Caribbean total losses as a result of extreme weather.
- Acting for Owners and underwriters following a fire in the Eastern Mediterranean resulting in the total loss of the vessel. Assisting in the repatriation of the crew and providing hands-on real time advice and support to the Master.
- Acting for Owners and underwriters of a racing yacht following an LOF and successfully negotiating a prompt settlement of the Article 13 liability.
- Acting for Owners and underwriters in the recovery against a third party following extensive damage to gel coatings during transport.
- Advising in relation to the wreck removal/dismantling of a number of offshore structures, as well as the tendering, contract negotiations and other aspects of the day-to-day operation of these matters.

What our clients say about us

“HFW’S YACHT LAWYERS ADVISE CLIENTS ON SOPHISTICATED CROSS-BORDER FINANCINGS, TRANSACTIONS AND CONTENTIOUS MATTERS. THEY SERVE SOME OF THE LARGEST INSTITUTIONAL CLIENTS IN THE MARKET.”

CHAMBERS, YACHTS & SUPERYACHTS, HNW, 2023

“EVERY QUESTION, ADVICE OR LEGAL PAPER CONCERNING MY BUSINESS IS INDIVIDUALLY TAILORED TO THE PROJECT OR CLIENT; HFW HAS PROVEN TO BE ABLE TO HANDLE IT ALL. THEY ARE VERY WELL CONNECTED WITHIN THE INDUSTRY AND ARE VIEWED AS AN INDUSTRY STANDARD.”

CHAMBERS, YACHTS & SUPERYACHTS, HNW, 2023



COMPLEX ENVIRONMENTS

We are widely regarded as the leading law firm globally that responds to incidents in complex environments on behalf of special risks, K&R, property, war and liability insurers and their assureds.

We have acted for ship-owners, hull and machinery, kidnap and ransom and war insurers in helping to resolve over 120 Somali and West African hijacking and kidnapping cases in the past few years. This accounts for around 75% of all major commercial vessel hijackings by Somali pirates.

Recent work

- Acting to release property, vessels, cargo, personnel and crew seized/detained by hostile and/or politically motivated authorities, including allegations of smuggling, improper licence, customs violations, interference with sovereign rights and resources, weapons and drug offences.
- Acting and advising in relation to land based kidnappings/extortions in Afghanistan, the Middle East, Nigeria, North Africa, the Philippines, Somalia, South America and elsewhere.
- Working to recover detained persons, vessels, cash, artworks, antiquities, treasure and other property.
- Advising in relation to rebel and hostile forces taking action against property, vessels, ports and terminals.
- Policy coverage advice including “weapons of war”, political motivation, exercise of oppressive and excessive power, and other policy issues.

- Addressing various governments, law enforcement agencies, and governmental and non-governmental organisations on the industry’s response to incidents in complex environments, including the United Nations, World Bank, IMO and UK PM David Cameron’s “Piracy Task Force”.
- Advising on vessel “deemed” constructive total loss claims after prolonged detentions and the defences of “ordinary judicial process”, failure to pay fines/penalties and infringement of regulations.

What our clients say about us

“HFW IS NOTABLE FOR ITS DEPTH OF EXPERIENCE IN PIRACY ISSUES.”

CHAMBERS, SHIPPING (UK) 2019

“IN ANOTHER HIGHLIGHT ILLUSTRATING THE BREADTH OF ITS MARITIME EXPERTISE, THE PIRACY TEAM SECURED THE RELEASE OF 26 HOSTAGES HELD IN SOMALIA IN 2016.”

LEGAL 500, SHIPPING (LONDON) 2018

HFW’S WORK WAS EXPRESSLY COMMENDED BY THE UNITED NATIONS IN SECURING THE RELEASE OF THE 26 HOSTAGES FROM THE VESSEL ‘NAHAM 3’.

UNITED NATIONS SECURITY COUNCIL RESOLUTION [2383 (2017)]



DECOMMISSIONING

HFW advise on the various contracts used in decommissioning projects specifically the terms in relation to; insurance, liability and indemnity, dispute resolution and change order management as well as the contracts required for the removal and disposal of waste material in accordance with the applicable rules and regulations.

Recent work

- Assisting shipping association BIMCO to draft their industry standard offshore decommissioning contract, DISMANTLECON, intended to be used for the removal of offshore infrastructure ranging from topsides, jackets, pipelines, mattresses and other associated subsea field architecture. The final contract was published in September 2019.
- Providing advice in relation to the transportation and disposal of produced water from FPSO crude oil cargoes under national laws, EU regulations and the MARPOL convention.
- Conducting a feasibility study with regard to environmental legislation, BPEO (Best Practicable Environmental Options), EIA (Environmental Impact Assessment) and advising on dumping at sea, including preparing the requisite OSPAR plan and lobbying UK Governmental bodies.
- Assisting clients in obtaining necessary Trans-Frontier Shipment of Waste (TFS) Licences and Food and Environmental Protection Act (FEPA) Licences together with associated Notification and Movement Documents for disposal/recycling of component parts.

- Drafting a suite of contracts between the owners of the scrap material and the contractors engaged in towing and delivering the scrap to a recycling and disposal facility.
- Reviewing the head contract and sub-contracts in connection with the engineering, preparation, removal and disposal of platforms in the Norwegian sector of the North Sea.
- Advising a European heavy lift contractor on the regulatory, permitting and licensing requirements as part of their consideration of a tender proposal for decommissioning operations in the North Sea.
- Acting for a JV chartering interest in respect of dispute arising from termination of period charter of FPSO on grounds of technical deficiencies including deficiencies in the FPSO's gas lift system, failure by the operators to establish, populate and utilise the vessel's computerised maintenance management system and other safety procedures. Ancillary issues included consideration of the reservoir conditions and the technical capacity of the FPSO, liabilities arising from the decommissioning of the FPSO and the recovery of the STP Mooring Buoy and other miscellaneous decommissioning costs such as claims for unused fuel and spare parts.

What our clients say about us

“THIS PRACTICE HAS A WEALTH OF EXPERIENCE AND GREAT COVERAGE IN ALL SHIPPING MATTERS. THEIR MULTIDISCIPLINE TEAMS ARE CAPABLE TO SUPPORT CLIENTS ACROSS COMMERCIAL, TECHNICAL AND REGULATORY.”

LEGAL 500 2023



MARITIME SECURITY

Recent work

- Advising on the applicable laws and different jurisdictions that may govern the use and potential consequences of use of firearms on board the yacht.
- Advising on the licences, permissions and clearances needed in the UK and overseas in order to import, possess, export and transport firearms around the world.
- Advising on the criminal and civil liabilities that yacht and ship owners and operators, private security companies, armed guards and master/crew might face in the event of an incident resulting from an exchange of fire, also taking into account relevant corporate manslaughter legislation and the liabilities of directors and shareholders.
- Advising yacht and ship owners and operators on the vetting of private security companies and assisting private security companies in undertaking the due diligence to be carried out.
- Reviewing and advising on the terms and conditions of private security services contracts, rules for the use of force and insurance policies.
- Advising on the contractual matrix and liability regimes.
- Drafting agreements for the provision of private security services and pro forma rules for the use of force. We sit on the BIMCO sub-committee and are advising on and drafting the "GUARDCON" form.
- Providing emergency assistance to yacht and ship owners, operators, private security companies and their personnel in the event of piracy incidents, detention of yachts/ships, personnel and/or confiscation of equipment and advising on post-incident liabilities.

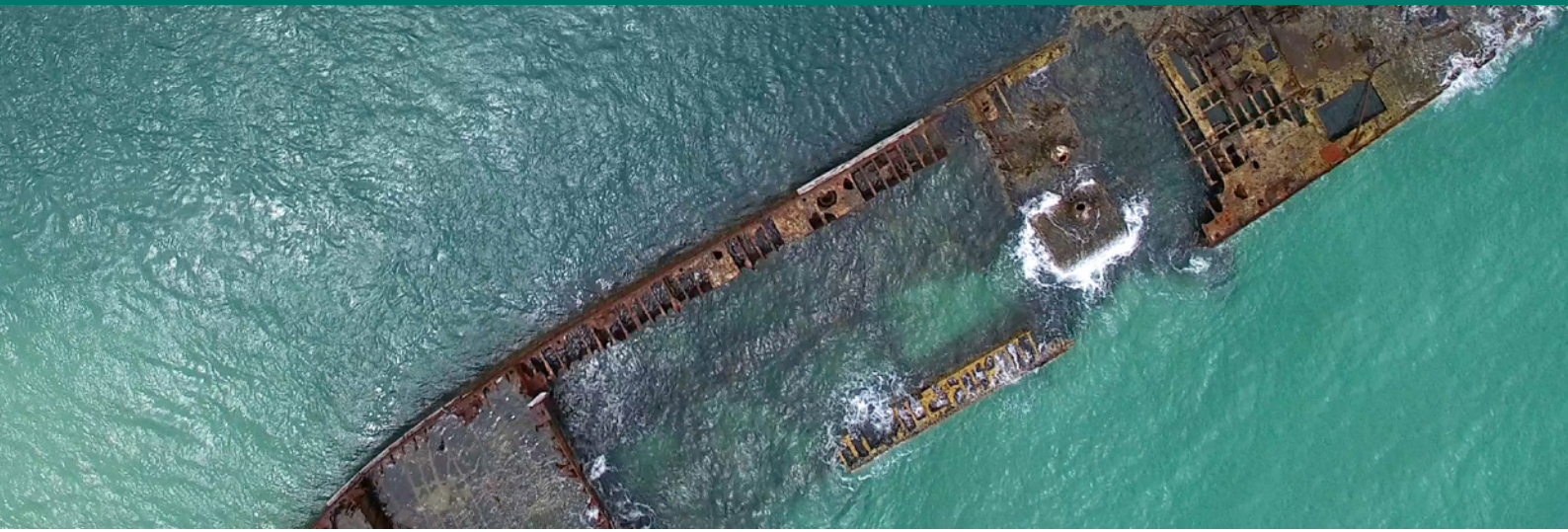
What our clients say about us

"WE HAVE FOUND HFW'S WORK TO BE VERY PRAGMATIC AND SUCCINCT IN MANAGING SENSITIVE AND COMPLEX MATTERS. THEIR ADVICE HAS ALWAYS BEEN THE MOST SENSIBLE AND LOGICAL FOR OUR COMPANY."

CHAMBERS GLOBAL 2022

"HFW IS WELL POSITIONED TO HANDLE MULTI-JURISDICTIONAL MANDATES BY VIRTUE OF THE FIRM'S PRESENCE IN ALL THE MAJOR INTERNATIONAL MARITIME JURISDICTIONS."

LEGAL 500, SHIPPING (HONG KONG) 2019



SALVAGE AND WRECK REMOVAL

HFW are the world's leading experts in advising on salvage and wreck removal operations.

Many shipping casualties require recovery of the vessel and/or cargo and bunkers and HFW's global team are on hand to provide around the clock assistance and advice to professional salvors, shipowners, cargo owners, hull and machinery underwriters and P&I insurers.

Recent work

- SANCHI (2018) – We have been advising the Owners and P&I insurers on salvage of the “SANCHI”, an Iranian-managed oil tanker which collided “CF CRYSTAL” in January 2018. Both vessels caught fire and whilst the crew of the “CF CRYSTAL” managed to abandon safely, the “SANCHI” became engulfed in flames minutes after impact resulting in the tragic loss of all 32 crew members. Despite fire fighting efforts, the vessel sank eight days after the incident occurred on 14 January 2018. HFW have advised on salvage, pollution liabilities, bunker removal and wreck monitoring and the complex jurisdictional issues which arise on a major casualty of this type.
- MAERSK HONAM (2018) – In March 2018 the “MAERSK HONAM”, an ultra large container ship (“ULCC”), suffered a cargo fire and subsequent explosions while transiting the Arabian Sea. Tragically 5 members of the crew of 27 were killed. HFW were instructed by the Contractors under the LOF salvage contract and have advised on salvage and management of the complex logistical challenges of arranging security for cargo, plus extensive contractual support for the post-LOF work, which involves removal of debris and management and processing of waste and hazardous cargo.
- KEA TRADER (2017) – HFW were instructed by the Owners, Hull and Machinery underwriters and P&I insurers following the grounding and subsequent total loss of this container vessel in New Caledonia in July 2017. We advised on salvage and wreck removal liabilities and provided extensive contractual support during the course of tendering for wreck removal. Our work in overseeing the contractual management of the contract is ongoing.
- BURGOS (2016) – This Mexican owned tanker suffered an explosion and fire of Vera Cruz, Mexico in October 2016. HFW were immediately instructed by the Owners, and advised on salvage, pollution and emergency response and assisted in management of all the ensuing claims.
- MAERSK SEOUL (2015) – The container vessel “MAERSK SEOUL” suffered an explosion and fire whilst off the coast of Oman on 21 July 2015. HFW were instructed by the Owners, Hull and Machinery underwriters and P&I insurers and advised on salvage, General Average and liability issues.
- PERRO NEGRO 6 (2013) – The jack-up drilling rig, “PERRO NEGRO 6”, suffered a “punch through” and capsized off the coast of Angola in late 2013. HFW advised and assisted the wreck removal contractors with the tender process, preparation of the wreck removal contract and subsequent variation orders and litigation.
- SMART (2013) – The 151,000 dwt bulk carrier “SMART” ran aground along the east coast of South Africa near Richards Bay in August 2013. The ship broke into two pieces and HFW advised the Owners, Hull and Machinery underwriters and P&I insurers on the casualty generally, management of salvage and wreck removal contracts.

- COSTA CONCORDIA (2012) – On Friday 13 January 2012, the “COSTA CONCORDIA”, a Concordia-class cruise ship of over 114,000 GT, ran aground and partially sank on the western coast of Italy just off the shore of Isola del Giglio. HFW were instructed by the Italian and Dutch contractors who were initially appointed to respond to the casualty and remove the bunkers and other pollutants. HFW provided casualty management and contract support and drafted the various contracts that were entered into.
- MSC CHITRA (2010) – HFW were instructed by the LOF Contractors in relation to the salvage and subsequent wreck removal of the “MSC CHITRA”, a container vessel that suffered a collision and sank at Mumbai, India on 10 August 2010. HFW advised on salvage, wreck removal and eventual disposal of the casualty and drafted and managed all the contracts, advising on complex jurisdictional issues.

What our clients say about us

“SUPERB SHIPPING DISPUTES PRACTICE.”

CHAMBERS, ASIA-PACIFIC: SHIPPING, 2020

“HFW ARE MY GO-TO LAW FIRM WHEN I HAVE A LEGAL DISPUTE THAT IS COMPLEX AND NOT “RUN OF THE MILL”. THEIR ABILITY TO THINK OUTSIDE THE BOX AND QUICKLY ATTEND MEETINGS / CALLS IS CRUCIAL TO FACILITATE A STRATEGY AND SCENARIO OPTIONS ENABLING, WHERE POSSIBLE, THE TIMELY AND APPROPRIATE RESOLUTION OF THE DISPUTE.”

LEGAL 500, 2022

“HFW HAS A TOP QUALIFIED TEAM THAT COVERS EVERY ASPECT OF LEGAL ADVICE POSSIBLE; THEY ARE HIGHLY CLIENT ORIENTATED AND ENABLE THE CLIENTS TO BASE THEIR DECISIONS ON PROFOUND LEGAL RECOMMENDATION HOWEVER HFW ALWAYS HAVE A STRONG UNDERSTANDING FOR COMMERCIAL DECISIONS.”

LEGAL 500, DISPUTE RESOLUTION
COMMODITIES DISPUTES 2023



PERSONAL INJURY

Recent work

- Advising on incidents where there has been personal injury and/or death. This includes liaising with ship owners and their agents, interviewing crew and liaising with authorities (including police, MAIB and health, safety and environment authorities) and participation in inquiries. This can also involve advising ship owners on the procedure for Coroner's Inquests and assisting them if they have to attend and give evidence before the Coroner.
- Management of Health and Safety at Work Regulations.
- Providing specialist protocols on cases involving serious amputation injuries/issues (including paediatric limb-loss injuries) which require knowledge of the prosthetics sector and rehabilitation requirements.
- Advising clients on assessment of liability and dealing with both employers' liability and public liability cases whether any of the international conventions can apply to limit the cases against them. For example, if the Athens Convention applies in passenger injury cases and if so, the effect it will have.
- Advising ship owners on how to deal with mental and physical injuries suffered by crews following piracy incidents, assisting Owners to defend any subsequent claims for damages for physical injuries and post-traumatic stress disorder.

Applicable regulations

Understanding and advising on:

- Manual Handling Operations Regulation
- Management of Health and Safety at Work Regulations
- Provision and Use of Work Equipment Regulations
- Employee Liability (Defective Equipment) Act
- Package Travel Regulations
- Merchant Shipping (Hatches and Lifting Plant) Regulations
- Merchant Shipping (Guarding of Machinery and Safety of Electrical Equipment) Regulations
- Merchant Shipping and Fishing Vessels (Manual Handling Operations) Regulations
- Provision and Use of Work Equipment Regulations 1998
- Maritime Labour Convention
- Workplace (Health, Safety and Welfare) Regulations

Applicable statutes

- Occupiers Liability Act
- Law Reform (Miscellaneous Provisions) Act
- Fatal Accidents Act

Applicable courts

- County Court
- High Court
- Coroners Court
- Jurisdictions & Law include:
 - Europe: England, Scotland, Iceland, France, Belgium, Malta, Greece, Turkey
 - Americas and The Caribbean: USA, Costa Rica, Curaçao, Dominican Republic
 - APAC: Philippines, Thailand
 - Africa: Cameroon, Napata

Defendant only defence of actions of all levels of seriousness, from minor slips and trips to fatalities.

What our clients say about us

“HFW IS PARTICULARLY ASTUTE IN HANDLING CASUALTY RESPONSE ACROSS ITS OFFICES.”

CHAMBERS, SHIPPING (ASIA PACIFIC) 2019



SHIP RECYCLING, HAZARDOUS WASTE MANAGEMENT AND DISPOSAL

An increasing number of shipping casualties are requiring the disposal of the ship (following a CTL), its cargo and bunkers. Ship recycling, the disposal of hazardous waste and cargo are becoming one of the most challenging and niche areas of casualty management requiring both specialist legal expertise and expert input.

A number of high profile prosecutions and investigations by national environment agencies into the activities of ship owners and insurers have raised the awareness of the complex regulations and laws that underpin ship recycling and the handling and disposal of hazardous waste. HFW is leading the way and helping clients resolve these issues.

Ship Recycling

HFW has been at the forefront of the ship recycling industry advising a number of key stakeholders, including banks, insurers, owners, cash buyers and recycling facilities on how to navigate the international legal requirements and to obtain the necessary permits where applicable. We regularly deal with requests from ship owners to develop bespoke green recycling policies throughout the life-cycle of their vessels.

Recently, the European Ship Recycling Regulation EC No. 1257/2013 ("SRR") came into force on 31 December 2018. It applies to EU flagged vessels trading worldwide. In broad terms, the SRR mirrors the green passport requirements in the Hong Kong Convention (not yet in force) which require EU flagged vessels to:

- Have on board an Inventory of Hazardous Materials (the IHM);
- Undertake a series of surveys (roughly every five years) to check, amongst other things, that the IHM is up-to-date;
- Develop a ship recycling plan prior to recycling; and
- Only be sent for recycling at yards on the approved European List.

We are advising clients in this continuously evolving area, including how EU Member States deal with penalties for infringements of the SRR and how these issues will be dealt with post-Brexit.

Disposal and management of hazardous waste and distressed cargo

We are also leading the way with innovative solutions to help clients resolve complex legal issues in dealing with the handling and management of hazardous waste following a casualty. This includes advising on waste processing and transboundary movement of waste across a wide range of jurisdictions. Recent work includes:

- Advising an oil major in relation to the inadvertent import and export of "waste" as defined by Directive 2008/98/EC (Waste Framework Directive ("the WFD")) transposed into UK domestic law through the Waste (England and Wales) Regulations 2011;
- Advising several operators on their liability for decommissioning various fixed and floating assets used in the oil and gas industry;
- Advising and providing extensive contractual support to a contractor for the removal and subsequent disposal of hazardous waste and debris from an ultra

large container ship which had suffered a significant cargo fire and explosions in the Arabian Sea. This involved advising on cross-jurisdictional issues and the transboundary movement of waste from a non-OECD country to the EU.

- Acting for an IG P&I Club and owners on hazardous waste management operations following a significant cargo fire on board a vessel off the Indian coast.
- Acting for an IG P&I Club and drafting bespoke contractual terms for the disposal of a vessel and its cargo following the vessel's grounding in the US.
- Drafting bespoke contractual terms for a large shipowner for the transshipment of hazardous cargo.
- Drafting contracts with waste disposal companies for the sale and treatment of waste "oily" water pumped from a casualty during a salvage operation;
- Assisting with and negotiating contracts for the sale of distressed and abandoned cargo.

What our clients say about us

ANOTHER CLIENT SAYS THE TEAM PROVIDES "VAST EXPERIENCE, FAST RESPONSES, HIGH-QUALITY WORK, GOOD ADVICE AND STRONG RESULTS."

CHAMBERS, UK-WIDE: SHIPPING, 2020



OUR GLOBAL TEAM
ADMIRALTY AND CRISIS MANAGEMENT

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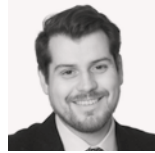
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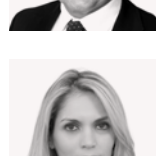
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