

BLM AND THE BRISTOL STEAMSHIP OWNERS ASSOCIATION INVITES YOU
Marine Legal Seminar 2016 - Wednesday 14 September 2016

MARINE LEGAL SEMINAR 2016

BLM, in association with the Bristol Steamship Owners Association, invites you to a Marine Legal Seminar covering an update on marine claims, legislation and claims handling for cargo claims and the maritime labour convention.

DATE **14 September 2016**

TIME 4:00pm until 6:00pm
(with afternoon tea to follow)

VENUE

The Bristol Port Company,
Conference Facilities,
First Floor, St Andrews House,
Avonmouth, BS11 8DQ

PROGRAMME

Time

Topic

4:00pm	Welcome / registration
4:15pm	Marine claims – a general update
4:40pm	Legislation and claims handling for cargo claims (goods in transit locally and internationally, by road, sea and air)
5:05pm	Break
5:20pm	Maritime labour convention overview
6:00pm	Afternoon tea and an opportunity to network and ask speakers questions

Presented by

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Gemma Pearce, Partner; Steven Favali, Associate; Ciaran McQuade, Solicitor; David Matcham, Solicitor, BLM
Captain Jessica Tyson and Captain Keith Badsey from CF Spencer & Co Ltd (marine consultants & surveyors)
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Philip Mead, Barrister, Old Square Chambers
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MEET THE SPEAKERS



Gemma Pearce
Partner, BLM

Gemma qualified as a barrister in 2001 cross-qualifying as a solicitor in 2005. She has extensive legal experience specialising in shipping, marine and non-marine insurance, international trade and in the travel and cruise sectors.

Gemma handles all aspects of charter parties, bills of lading, supply and carriage of goods by sea, cargo, passenger and crew claims, with particular emphasis on P&I and FD&D matters; assisting owners, charterers, operators, brokers and insurers in a wide range of jurisdictions. She also advises on personal injury and loss of life cases; medical negligence claims and class actions arising out of illness and disease outbreaks as well as extensive occupational disease experience.



Steven Favali
Associate, BLM

Stephen has nine years' litigation experience and specialises in defendant litigation with significant experience in large loss claims. He also has experience in claimant litigation, criminal prosecutions and inquest work.

Stephen now handles marine and non-marine insurance and direct instruction claims on behalf of businesses, insurers, ship owners and P&I clubs. He has experience in matters involving marine casualties, passenger claims, employers' and public liability, disease, defective products, health and safety, vessel foundering, vessel damage, incidents within ports and marinas, cargo recoveries, goods in transit claims, breach of contract, sales of goods and policy coverage.



Ciaran McQuade
Solicitor, BLM

Ciaran has over ten years of litigation experience and has worked for both insurers and leading firms of solicitors. Ciaran has extensive experience in dealing with road traffic accidents and employers' and public liability from both a claimant and defendant perspective.

Ciaran deals with a range of marine cases on behalf of ship owners and P&I Clubs, including employers' and public liability injury claims, freight and disease cases. Ciaran also handles a selection of non-marine employer, public and product liability claims.



David Matcham
Solicitor, BLM

David has extensive litigation experience. As well as defendant insurance experience he also has claimant knowledge, having worked for a leading firm of solicitors. David has also spent valuable time in-house assisting a large well-known insurer handling numerous road traffic accident claims as well as assisting case handlers with technical issues.

David currently deals with a wide range of employers' liability and public liability matters as well as marine insurance claims on behalf of insurers, ship owners and P&I clubs. His experience also includes matters involving passenger claims and disease matters. David also defends claims made by litigants in person.



Captain Jessica Tyson
Master Mariner,
CF Spencer
& Co Ltd

Jessica became a part of the McAusland's team when they acquired C F Spencer & Co Ltd in 2015 where she had been a surveyor since 2013. Jessica has extensive command experience including specific training in Crisis Management, Helicopter Landings, Merchant Vessel and Passenger SAR and Security. She is also a qualified and current serving Pilot. Jessica has experience as a Dive Master, Tug Master, Energy Auditor for BP, and has served on tankers (oil and gas) and as Cargo and Chief Officer on FPSO installations. Seagoing experience also covers passenger ships, super yachts, tugs and towage, standby vessels, small craft and historical vessels thus providing a varied and broad knowledge. Jessica is an accomplished orator and presenter and a proud member of the WISTA organisation.



Captain Keith Badsey
Master Mariner
MNI, Dip Port
Man, MIIMS,
CF Spencer &
Co Ltd

Captain Keith Badsey is an experienced Marine Consultant, Surveyor, Port Captain, Harbour Master and Authorised Pilot for the Port of Bridgwater. He has specific expertise in personal injury claims, speed and consumption claims and surveys of port infrastructure damage. In addition he has wide experience in general marine surveying including condition and valuation surveys, drydocking and preparation of repair specifications as well as towage requirements for a variety of ships including commercial ships, passenger craft and fishing vessels. Linked to his towage experience is his expertise in operational and navigational risk assessments and audits, and the production of formal safety management systems, environmental management procedures and emergency contingency plans.

MEET THE SPEAKERS



Philip Mead
Barrister,
Old Square
Chambers

Philip specialises in the fields of employment law and personal injury, including claims of maximum severity. More recently he has developed a niche as a leading junior in both fields in relation to the application of European law and conflict of laws, to cross-border accidents and cross-border employment. He has appeared in many cases before the Appellate courts in relation to the application of English statutory protection to employees working outside England and Wales.

Philip successfully represented one of the claimants in the landmark case of *Lawson v Serco, Botham v Ministry of Defence, Crofts v Veta* (2006) setting out the principles to apply as to the territorial scope of the right not to be unfairly dismissed under the Employment Rights Act 1996. More recently he represented the claimants in the leading discrimination case of *Ministry of Defence v Wallis* (2011).

Philip appeared for the Claimant Union in the *URTU case* (2013) when relying on the effective application of European rights to working time and rest breaks, and successfully for the defendant employer when considering, in *Hasan v Shell International Shipping* (2014), whether European discrimination law could apply to mariners working on third State flagged vessels.

Philip is familiar with the application of the conflict of laws, public international law and European law in the field of employment law.

Philip has advised and acted in relation to the following:

- The territorial scope of English legislation to employment abroad
- Application of the international jurisdictional rules of the Employment Tribunal
- Bringing contractual claims before the Employment Tribunal
- Claims involving mariners and aircrew
- Claims against foreign embassies
- Claims against international organisations

Notable cases include:

- *Hasan v. Shell International Shipping Services (PTE) Ltd* (EAT, 14 January 2014) - mariner, claims for unfair dismissal, wrongful dismissal and discrimination on grounds of race/religion, application of EU law to employment outside the EU, the international jurisdiction of the ET;
- *R (on the application of the United Road Transport Union) v Secretary of State for Transport* [2013] IRLR 890 (CA) - road transport workers, working time, direct application of EU Regulation, effective remedy, remedy in criminal law;
- *Ministry of Defence v Wallis* [2011] ICR 617 (CA) - application of directly effective rights against an emanation of the State, interpretation or disapplication of domestic law, effective remedy;
- *Diggins v Condor Marine Crewing Services Ltd* [2010] ICR 213 (CA) - territorial scope of the Employment Rights Act 1996, mariners on non-UK flagged vessels;
- *Lawson v Serco, Botham v Ministry of Defence, Crofts v Veta* [2006] ICR 250 (HL) - territorial scope of the Employment Rights Act 1996, repeal of previous provision, general principles of interpretation.