

FEHN SCHIFFFAHRTS GMBH & CO KG v ROMANI SPA (THE “FEHN HEAVEN”)

Carriage of goods by sea – Charterers compelled to accept discounts in price from buyers following unauthorised fumigation of cargo – Consignee under straight bill of lading assigning interest in cargo to charterers – Charterers bringing arbitration proceedings against carrier for loss represented by negotiated discounts – Arbitrators holding charterers had title to sue and awarding substantial damages – Whether loss suffered by consignee or by charterers – Whether arbitrators erred in law in awarding charterers damages.

[2018] 2 Lloyd's Rep. 385

---

NAVIGATOR SPIRIT SA v FIVE OCEANS SALVAGE SA (THE “FLAG METTE”)

Arbitration – Serious irregularity – Salvage arbitration – Salvors appealing award – Appeal arbitrator increasing award in reliance on hypothetical scenario not featuring in grounds of appeal nor in appeal hearing – Whether appeal arbitrator's award should be set aside for serious irregularity – Arbitration Act 1996, section 68.

[2018] 2 Lloyd's Rep. 391

---

PAO TATNEFT v UKRAINE

Arbitration – Enforcement of award – Bilateral Investment Treaty – Whether state immunity defence available Effect of failing to plead jurisdictional issues in arbitration – Interpretation of BIT – Arbitration Act 1996, section 101 – State Immunity Act 1978, sections 1 and 9 – Vienna Convention 1969, articles 31 and 32.

[2018] 2 Lloyd's Rep. 403

---

TRIPLE SEVEN MSN 27251 LTD AND ANOTHER v AZMAN AIR SERVICES LTD

Contract – Mistake – Claimant and defendant concluding lease agreements whereby defendant leased two Boeing 777 aircraft from claimants for five-year period – Aircraft to be used for transporting passengers from West Africa to Saudi Arabia for Hajj and Umrah pilgrimages – Saudi authorities excluding defendant from participation in 2016 Hajj airlift – Defendant refusing to accept delivery of aircraft – Claimants terminating lease agreements and claiming damages – Whether lease agreements void for common mistake.

[2018] 2 Lloyd's Rep. 424

---