

Aidan Christie KC

Call 1988 Silk 2008



Aidan Christie KC has a general commercial practice.

He has particular expertise in:

- Insurance & Reinsurance
- Financial Services / Regulatory
- Professional Negligence
- Commercial Litigation

Aidan has acted as an arbitrator on a number of occasions. He has also acted as an expert witness on English law relating to guarantees, Suretyship and one-way arbitration clauses in claims in the Russian courts brought by a major European Bank against the guarantors of a Russian agricultural conglomerate.

Aidan is qualified to undertake Public Access work.

Insurance & Reinsurance

Aidan's experience covers most areas of dispute within the insurance and reinsurance market in the past 35 years. He acts for a wide range of clients including London market and international insurers and reinsurers as well as policyholders and has represented them in litigation in the Commercial Court in London (and Africa) and in arbitration both in London and internationally including Japan and Canada. He acts both as an advocate and an advisor and his work includes advising major UK and international insurance companies on the drafting and interpretation of standard form contracts of insurance.

Since March 2020 he has been heavily involved in Covid-19 litigation on behalf of a number of insurers and was Leading Counsel for AXA Insurance Plc in the leading case on non-damage denial of access clauses, *Corbin & King Ltd v AXA Insurance UK Plc [2022] Lloyd's Rep IR 299*. He has also been instructed as Leading Counsel by three other insurers in two of the six test cases on at the premises disease clauses which are due to be determined by the Commercial Court in April/May 2023.

Since the fire at Grenfell Tower he has been instructed by insurers in a large number of claims by contractors under D&B policies, to be determined either in arbitration or litigation.

He was heavily involved in a number of the Lloyd's Names' actions and was extensively involved in disputes arising out of the terrorist attacks on 9/11 as well as natural disasters in the US including Hurricanes Katrina, Wilma, Rita and Ivan. His recent work has focused particularly on claims under Financial Institution and Professional Indemnity policies including jurisdictional disputes arising from them but he has extensive recent experience as well of claims under CAR policies and all forms of liability policies.

Aidan sits as an arbitrator on insurance and reinsurance disputes and has provided expert evidence on insurance and commercial issues in connection with proceedings in Greece and Russia.

Aidan has considerable experience in regulatory issues affecting the insurance industry. He has acted on behalf of the Financial Conduct Authority in regulatory proceedings involving the insurance industry.

Featured Insurance & Reinsurance cases

Simmonds v Gammell [2016] 2 Lloyd's Rep 631: Acting for reinsurers in appeal to Commercial Court from arbitration award relating to aggregation of events following 9/11.

Acting for reinsurers in a London arbitration under a QS treaty relating to facultative property business in the Middle East

Acting for reinsurers in a forthcoming arbitration relating to aggregation of Covid-19 claims

Acting for facultative reinsurers of a liability policy in a London arbitration arising out of a supermarket construction project in Korea.

Acting for insurers/reinsureds in coverage disputes arising out of direct and XL policies relating to the construction of a chemical plant in Australia involving issues of allocation of losses and aggregation.

Acting for Lloyd's reinsurers in arbitration proceedings in Canada relating to losses under catastrophe XL treaty following terrorist attacks on 9/11 raising issues of avoidance, aggregation and the scope of the LMX exclusion.

Acting for Irish reinsured in arbitration proceedings in London relating to operation of quota share treaties protecting life and accident business in Hong Kong.

Acting for Swiss reinsurers in London arbitration concerning catastrophe modelling and the application of an average clause following Hurricanes Katrina and Wilma.

Acting for London market reinsured in arbitration involving purported avoidance of a Marine Excess Loss Treaty following Hurricanes Katrina and Rita raising issues of calculation of aggregate exposures.

Acting for London market reinsured in arbitration proceedings in London in a claim for avoidance of excess of loss treaties protecting a marine energy book.

Acting for Japanese reinsurers in arbitration proceedings in London relating to interpretation of surplus treaties.

Acting for reinsurers in arbitration relating to operation of quota share treaties and calculation and taxation of profit commission.

Acting for US reinsurers in proceedings in the Commercial Court to avoid a treaty protecting specialised book of energy and construction business.

Acting for the Lloyd's and company market in proceedings in the Commercial Court against retrocessionaires and brokers arising out of a retrocessional contract covering an Indian oil refinery.

Acting in arbitrations relating to US workers' compensation business and Danish workers' compensation business.

An arbitration acting for 32 insurers subscribing to a £120m professional indemnity tower insuring one of the leading global companies in the financial services industry

An arbitration acting for a leading European insurer in an arbitration in Ireland under a professional indemnity policy arising of the global financial crisis

Leading Counsel for insurers in Commercial Court decision on non-damage denial of access clauses in response to Covid-19: *Corbin & King Ltd v AXA Insurance UK Plc* [2022] *Lloyd's Rep IR 299*

Leading Counsel for the Defendants in 4 week Chancery Division trial relating to the underwriting of motor insurance: *Mulsanne Insurance Co Ltd v Marshmallow Financial Services Ltd* [2022] *EWHC 276 (Ch)*

Leading Counsel for insurers in one of the first Commercial Court decisions on the Insurance Act 2015 relating to non-disclosure *Berkshire Assets (West London) Limited v AXA Insurance UK Plc* [2022] *Lloyd's Rep IR 275*

Aldridge v Liberty Mutual Insurance Europe Limited [2016] *EWHC 3037 (Comm)*: Acting for professional indemnity insurers in Commercial Court in successful avoidance of policy for non-disclosure.

Denso Manufacturing UK Ltd v Great Lakes Reinsurance (UK) Plc [2017] *Lloyd's Rep IR 240*: Acting for ATE insurers in successful defence of policy claim on grounds of breach of conditions precedent.

Acting for D&O insurers in arbitration (in London) and litigation (in the Cayman Islands) relating to cover for defence costs incurred in proceedings against the insured in the US.

Acting for insurers of Financial Institution policies in claims for negative declaratory relief in the Commercial Court relating to claims against the insureds in the US and in an application for an anti-suit injunction to restrain proceedings in South Carolina.

Acting for one of the world's largest metal producers in a London arbitration for an indemnity under an All Risks policy in respect of contingent business interruption losses suffered at a plant in Siberia.

Axa Insurance UK Ltd v Thermonex Ltd [2013] *Lloyd's Rep IR 323*: Acting for insurers in claim for negative declaratory relief under CAR and public liability policies issued to designer/builder of basements of golf villa residences in County Kildare, Republic of Ireland.

Acting for insurers in respect of claims made by solicitors insured within the assigned risks pool and arising out of alleged mortgage fraud.

Financial Services / Regulatory

Aidan is representing the operators of the £100 million Connaught Income Fund in a group action involving approximately 1,000 retail investors in an Unregulated Collective Investment Scheme and appeared on their behalf at the hearing in the Commercial Court to determine issues relating to assignment and the right to sue under section 150 (now 138D) FSMA 2000 (*Connaught Income Fund Series 1 (in liquidation) v (1) Capita Financial Managers Limited (2) Blue Gate Capital Limited* [2014] *EWHC 3619 (Comm)*).

He is also involved on behalf of insurers in the litigation following the collapse of the Honister/Burns-Anderson IFA

networks.

Aidan has worked regularly for the FCA and advised on technical issues relating to the conduct of insurance and reinsurance business.

Aidan has been involved in a number of claims in relation to the provision of financial services in Jersey including acting for the Lloyd's market in claims arising under D&O policies in relation to proceedings brought by the Jersey Financial Services Commission alleging breaches of the Collective Investment Fund (Jersey) Law 1988.

He has acted for the Lloyd's market in claims arising under D&O policies by directors of UK and Gibraltar insurance companies subject to DTI investigation concerning alleged breaches of Financial Services Act. He appeared on behalf of Lloyd's underwriters in a claim in High Court of Malawi in claim under D&O policy covering directors of the Finance Bank Malawi.

Professional Negligence

Aidan has extensive experience of professional negligence cases across the main professions. His work involves him acting both for and against professionals particularly in cases concerning lawyers, insurance brokers, accountants, auditors, stockbrokers, valuers, hedge fund directors, financial advisers and agents in the securities industry. In addition to his experience in relation to claims against brokers and underwriting agents

Featured Professional Negligence cases

Acting for the main respondents in the scheduled appeal from the first instance decision in Co-operative Group Limited v Birse Developments Ltd [2014] BLR 359 on issues relating to limitation and assignment.

Acting for Local Authority in claims against solicitors and accountants for negligent advice in relation to Private Finance Initiative educational project in South Wales.

Acting for sponsors of Enterprise Zone Trust in claims for £30 million relating to the valuation of Plaza Tower and Plaza Court in Telford.

Acting for the auditors of Syndicate 190 in claim against them by Syndicate Names.

Acting for auditors in claim relating to alleged failure to detect fraud.

Assisting Jersey advocates in long-running litigation defending claims against stockbrokers by numerous investors in Eurobonds issued by Confederation Life Insurance Company.

Acting for receiving agents in claim against them by Carnival Corporation arising out of its partial share offer for the share capital of P&O Princess Cruises.

Acting for one of the professional advisers in the claim relating to the Orion slate in the Film Finance litigation.

Commercial Litigation

Aidan is regularly involved in work of a general commercial nature. He has provided expert evidence to foreign courts on a number of occasions including:

- The Moscow Arbitrazh Court on English law relating to assignments.
- In 2014/15 to the Russian Courts on English law in respect of guarantees, suretyship and one-way arbitration clauses.

Featured Commercial Litigation cases

Acting, since June 2017, as Leading Counsel for the cladding contractor, CEP Architectural Facades, initially at the public inquiry and in the continuing civil proceedings

Acting for factory owner in TCC claim arising from fire at factory premises: Goodlife Foods Ltd v Hall Fire Protection Ltd [2017] BLR Plus 30 (TCC) – exclusions clause, incorporation of standard terms and UCTA.

Acting for Heathrow Airport Limited in a claim by British Airways arising out of a collision involving a 747 jet at Heathrow Airport.

Acting for manufacturer of Durex products in Chancery Division trial against distributor for wrongful termination of distributorship agreement relating to distribution of Durex products in South Africa.

Acting for European distributor of pharmaceutical products in claim against pharmaceutical manufacturer.

Acting for owner of waste plant for recovery of losses caused by fire as a result of defectively installed piping.

Funding Corp Block Discounting Ltd v Lexi Holdings Plc [2008] 2 BCLC 596: Acting for lender in claim to assert beneficial interest in fund held by administrators..

Commercial arbitration before the Japan Commercial Arbitration Association in Tokyo relating to the distribution of Japanese manufactured cars in the UK.

Related proceedings in the UK against market competitor for conspiracy to injure.

Acting for charterers in a lengthy arbitration with the owners of a drilling rig in West Africa.

Acting for geotechnical experts in a claim relating to the construction of a storm drain under Brighton beach.

Acting for owners in claim relating to collapse of crane on North Sea platform.

Appointments

- Board Member of the Bar Standards Board (2015)
- Chair of Bar Standards Board Professional Conduct Committee (2015)
- Acting Deemster (Judge) of the Isle of Man Courts (1st instance and appeal) (2012)
- Recorder of the Crown Court (2009)

Memberships

- LCIA Users' Council
- MCI Arb

Education

- MA (Cantab) Law
- BA (Oxon) Classics

Languages

- French (working knowledge)

Recommendations

Aidan Christie is consistently recommended in the insurance/reinsurance, commercial litigation and professional negligence sections of Chambers & Partners and Legal 500.

Comments include:

- He has it all...intellectually bright, commercially astute and very client friendly.
- a class act, a natural on the front bench.
- A first-class silk, whose advice is always commercial and insightful.
- Excellent for high value international work.
- He's technically excellent, provides a great level of service and gives very accessible advice.
- He gives good, commercial and pragmatic advice. He's someone I'd go to to get things quickly analysed, he's very effective.
- Very user-friendly silk with a hands-on and commercial approach. He is a consummate professional, who is a polished performer who never appears ruffled.
- Praised for his client-focused approach, his strong courtroom style and his ability to read a judge.