

Matthew Chan

CALL: 2018 (ENGLAND AND WALES); 2022 (BRITISH VIRGIN ISLANDS)

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Languages: Mandarin Chinese (fluent)



Overview

Matthew has a broad practice in commercial litigation and international arbitration. He has particular interests in shipping and international trade, civil fraud, insurance, banking, company and insolvency law, and the conflict of laws. He is ranked as a Rising Star in *The Legal 500*, which describes him as “*bright*” and having “*experience beyond his years of qualification*”.

Matthew acts regularly in high-value commercial litigation and arbitration. He is instructed in, for example: *Republic of Mozambique v Privinvest*, a US\$3 billion+ Commercial Court dispute involving allegations of bribery and corruption in connection with maritime infrastructure projects in the Republic; *Green Elite v Fang Ankong*, a dispute in the BVI courts and before the Privy Council involving the alleged breach of directors’ duties; and *FIMBank v KCH Shipping*, a significant section 69 arbitration appeal regarding the temporal scope of the Hague-Visby Rules time bar in misdelivery claims.

Matthew is also increasingly developing a busy practice as sole counsel. He regularly appears in his own right in the High Court and in arbitration. He recently appeared as the sole advocate in a week-long final arbitration hearing involving a seven-figure commodities dispute, and currently acts unled in a US\$20 million+ arbitration involving private equity investments in the Cayman Islands.

Before coming to the Bar, Matthew read law at the University of Oxford and gave tutorials in trusts law to undergraduates as a lecturer of Somerville College, Oxford. During his studies, he obtained a First Class degree and ranked second in the year. He then went on to complete the Bachelor of Civil Law at Oxford with

Publications

- ‘The law governing whether an arbitration agreement binds a non-party’ [2023] LMCLQ 22 (co-author)
- ‘Alleged non-parties to an arbitration agreement’ (2022) 138 Law Quarterly Review 376 (co-author)
- ‘Persistent questions after *Enka v Chubb*’ (2021) 137 Law Quarterly Review 216 (co-author)
- ‘The distinctive status of international arbitration agreements in English private international law?’ (2020) 36(3) *Arbitration International* 419 (co-author)
- ‘Finding Principle in Illegality: Reflections on *Tinsley v Milligan*’ (2015) 4 *Oxford University Undergraduate Law Journal* 13

Professional memberships

- COMBAR
- London Common Law and Commercial Bar Association
- Young SIAC

Distinction and the Bar Professional Training Course at City Law School, where he achieved the second-best results in the year. He remains interested in academic law, and publishes regularly on issues of commercial law and international arbitration.

Matthew is a native speaker of Mandarin Chinese and has a good understanding of the Asian markets. In particular, he maintains a keen interest in the legal industry in Singapore, where he grew up.

Education

- City Law School: Bar Professional Training Course, Outstanding, second in year (2018)
- University of Oxford: Bachelor of Civil Law, Distinction (2017)
- University of Oxford: BA in Jurisprudence, First Class, second in year (2016)

Awards / prizes / scholarships

- Megarry Scholarship (2018)
- Buchanan Prize (2018)
- Scarman Scholarship (2018)
- Denning Scholarship (2017)
- Hardwicke Entrance Award (2017)
- Singapore Law Scholarship for the BCL (2016)
- Gibbs Book Prize (2016)
- 5 Stone Buildings Prize for Trusts (2016)
- Wronker Prize for Administrative Law (2016)
- Law Faculty Prize for Copyright, Patents and Allied Rights (2016)
- Tobias Law Prize (2016)
- Ashe Lincoln Prize (2016)
- Fitzgerald Prizes (2014, 2016)
- Norton Rose Fulbright Prize for Best Article in Contract, Tort, Trusts and Land Law (2015)
- Toeg Scholarship (2014)

Example cases

- *Republic of Mozambique v Prinvest and others*: representing the Prinvest Group in US\$3 billion+ claims brought by the Republic of Mozambique concerning allegations of bribes and conspiracy in connection with maritime infrastructure projects in Mozambique, including in a 12-week trial (with, amongst others, Duncan Matthews KC and Philip Riches KC). One of *The Lawyer's* Top 20 Cases of 2023.
- *Green Elite Ltd v Fang Ankong* (BVIHCMAP 2022/0013): acting in BVI litigation involving the alleged breach of directors' duties in relation to a Sino-Dutch metal recycling joint venture, including in the BVI Court of Appeal and a pending appeal before the Privy Council (with Jonathan Crow CVO, KC and Andrew Ayres KC).
- *FIMBank v KCH Shipping* [2023] EWCA Civ 569, [2022] EWHC 2400 (Comm): successfully represented bareboat charterers in section 69 appeal proceedings before the Commercial Court and Court of Appeal, which raised the novel issue of whether the Hague-Visby Rules time bar applies after discharge in the context of misdelivery claims (with Simon Rainey KC). An appeal will be heard by the Supreme Court in July 2024.
- *Credit Suisse v Burgundy Sea Limited and others*: acting for HRH Prince Fahad and associated corporate entities in claims totalling c.£65m brought by Credit Suisse relating to alleged breaches of facility agreements for the refinancing of a super-yacht and real property (with Paul Lowenstein KC).
- *B v J; B v C* (2021-23): representing two Peruvian entities of a global seafood and fishing enterprise in a US\$14 million LMAA arbitration involving allegations of fraud and sham in the context of a ship sale agreement, and an associated US\$40 million CMAC arbitration in the PRC involving related guarantee claims (respectively with Duncan Matthews KC and

Lectures / talks

- Choice of law in international disputes
- Sections 68 and 69 of the Arbitration Act 1996
- Clauses paramount in charterparties

Michael Ashcroft KC).

- *S v H* (2022-): acting, unled, in a US\$20 million+ HKIAC arbitration involving private equity investments and limited partnerships in the Cayman Islands, and raising novel issues as to the arbitrability of criminal allegations.
- *Lloyd v Lademacher* (LM-2023-000047): acting, as sole counsel, for the successful claimant in a US\$4.5 million+ dispute involving the fraudulent appropriation of Bitcoin through a sham bitcoin mining business.
- *J v T* (2021-22): acted as sole counsel for a Chinese SOE in a seven-figure HKIAC arbitration arising from sale and purchase agreements for manganese ore cargoes, including in a five-day final hearing.
- *JF Hillebrand v MSC Mediterranean Shipping Company SA* (2020-21): represented MSC in a Commercial Court bill of lading dispute, raising novel issues as to the circumstances in which the Hague-Visby Rules are compulsorily applicable (with Charles Kimmins KC).
- *M v U* (2020): advised a Cambodian real estate company in relation to a SIAC arbitration involving a claim in excess of US\$130 million by a Korean investment trust seeking to enforce a contractual put option (sole counsel).

General commercial disputes

Matthew's recent experience includes the following:

- *Republic of Mozambique v Prinvest and others*: representing the Prinvest Group in US\$3 billion+ claims brought by the Republic of Mozambique concerning allegations of bribes and conspiracy in connection with maritime infrastructure projects in Mozambique, including in a 12-week trial (with, amongst others, Duncan Matthews KC and Philip Riches KC). One of *The Lawyer's* Top 20 Cases of 2023.
- *Green Elite Ltd v Fang Ankong* (BVIHCMAP 2022/0013): acting in BVI litigation involving the alleged breach of directors' duties in relation to a Sino-Dutch metal recycling joint venture, including in the BVI Court of Appeal and a pending appeal before the Privy Council (with Jonathan Crow CVO, KC and Andrew Ayres KC).
- *Credit Suisse AG and another v Burgundy Sea Limited and others*: acting for HRH Prince Fahad and associated corporate entities in claims totalling c.£65m brought by Credit Suisse relating to alleged breaches of facility agreements for the refinancing of a super-yacht and real property (with Paul Lowenstein KC).
- *S v H* (2022-): acting, unled, in a US\$20 million+ HKIAC arbitration involving private equity investments and limited partnerships in the Cayman Islands, and raising novel issues as to the arbitrability of criminal allegations.
- *Lloyd v Lademacher* (LM-2023-000047): acting, as sole counsel, for the successful claimant in a US\$4.5 million+ dispute involving the fraudulent appropriation of Bitcoin through a sham bitcoin mining business.
- *M v U* (2020): advised a Cambodian real estate company in relation to a SIAC arbitration involving a claim in excess of USD 130 million by a Korean investment trust seeking to enforce a contractual put option (sole counsel).
- Advised on contractual and tortious claims against an international online gambling company relating to the incorrect settlement of betting markets.
- Advised on economic tort claims against a director in respect of a company's alleged breaches of equipment leasing contracts, raising issues as to the principle in *Said v Butt*.
- *E v F* (2019-21): acting as Tribunal Secretary in a DIFC-LCIA arbitration involving a shareholder dispute in the tech industry concerning DIFC and KSA entities (to Judith Gill KC, Gary Born and Rupert Reed KC).
- Instructed to assist in complex civil fraud litigation comprising derivative actions, an unfair prejudice petition, and allegations that a director has misappropriated c.£15 million.
- Assisted in a High Court claim involving alleged fraud and forgery in respect of financing transaction documents, including a swap agreement under the ISDA Master Agreement.

Arbitration

Matthew has experience of arbitrations conducted under ICC, UNCITRAL, SIAC, SCC, LMAA, GAFTA, HKIAC, CMAC and DIFC-LCIA rules, as well as of arbitration-related court proceedings. His recent experience includes the following:

- *FIMBank v KCH Shipping* [2023] EWCA Civ 569, [2022] EWHC 2400 (Comm): successfully represented bareboat charterers in section 69 appeal proceedings before the Commercial Court and Court of Appeal, which raised the novel issue of whether the Hague-Visby Rules time bar applies after discharge in the context of misdelivery claims (with Simon Rainey KC). An appeal will be heard by the Supreme Court in July 2024.
- *B v J; B v C* (2021-23): representing two Peruvian entities of a global seafood and fishing enterprise in a US\$14 million

LMAA arbitration involving allegations of fraud and sham in the context of a ship sale agreement, and an associated US\$40 million CMAC arbitration in the PRC involving related guarantee claims (respectively with Duncan Matthews KC and Michael Ashcroft KC).

- *S v H* (2022-): acting, unled, in a US\$20 million+ HKIAC arbitration involving private equity investments and limited partnerships in the Cayman Islands, and raising novel issues as to the arbitrability of criminal allegations.
- *J v T* (2021-22): acted as sole counsel for a Chinese SOE in a seven-figure HKIAC arbitration arising from sale and purchase agreements for manganese ore cargoes, including in a five-day final hearing.
- *E v F* (2019-21): acting as Tribunal Secretary in a DIFC-LCIA arbitration involving a shareholder dispute in the tech industry concerning DIFC and KSA entities (to Judith Gill KC, Gary Born and Rupert Reed KC).
- *M v U* (2020): advised a Cambodian real estate company in relation to a SIAC arbitration involving a claim in excess of US\$130 million by a Korean investment trust seeking to enforce a contractual put option (sole counsel).
- Assisted in a Commercial Court application to enforce a Stockholm arbitral award worth in excess of £100 million against a European state, raising issues as to the impact of *Slovak Republic v Achmea BV* (Case C-284/16) in the light of Brexit.
- Assisted in an application to intervene in a Supreme Court appeal relating to the removal of an arbitrator for lack of impartiality.
- Assisted in a section 68 challenge to an ICC award in the Commercial Court.
- Assisted in an UNCITRAL arbitration concerning the conduct of a tender for the supply of equipment for the development of a Kazakh oilfield.
- Assisted in a GAFTA arbitration concerning non-delivery under an f.o.b. contract and an ancillary application for a worldwide freezing order.

Civil fraud and asset tracing

Matthew has acted or assisted in various civil fraud matters, and his experience as a lecturer in trusts law at Oxford makes him well-placed to advise on asset tracing and the use of equitable remedies. His recent experience includes the following:

- *Republic of Mozambique v Prinvest and others*: representing the Prinvest Group in US\$3 billion+ claims brought by the Republic of Mozambique concerning allegations of bribes and conspiracy in connection with maritime infrastructure projects in Mozambique, including in a 12-week trial (with, amongst others, Duncan Matthews KC and Philip Riches KC). One of *The Lawyer's* Top 20 Cases of 2023.
- *B v J; B v C* (2021-23): representing two Peruvian entities of a global seafood and fishing enterprise in a US\$14 million LMAA arbitration involving allegations of fraud and sham in the context of a ship sale agreement, and an associated US\$40 million CMAC arbitration in the PRC involving related guarantee claims (respectively with Duncan Matthews KC and Michael Ashcroft KC).
- *S v H* (2022-): acting, unled, in a US\$20 million+ HKIAC arbitration involving private equity investments and limited partnerships in the Cayman Islands, and raising novel issues as to the arbitrability of criminal allegations.
- *Lloyd v Lademacher* (LM-2023-000047): acting, as sole counsel, for the successful claimant in a US\$4.5 million+ dispute involving the fraudulent appropriation of Bitcoin through a sham bitcoin mining business.
- Instructed to assist in complex civil fraud litigation comprising derivative actions, an unfair prejudice petition, and allegations that a director has misappropriated c.£15 million.
- Advised on economic tort claims against a director in respect of a company's alleged breaches of equipment leasing contracts, raising issues as to the principle in *Said v Butt*.
- *E v F* (2019-21): acting as Tribunal Secretary in a DIFC-LCIA arbitration involving a shareholder dispute in the tech industry concerning DIFC and KSA entities (to Judith Gill KC, Gary Born and Rupert Reed KC).
- Assisted in a High Court claim involving alleged fraud and forgery in respect of financing transaction documents, including a swap agreement under the ISDA Master Agreement.
- Assisted in a GAFTA arbitration concerning non-delivery under an f.o.b. contract and an ancillary application for a worldwide freezing order.

Banking and financial services

Matthew's recent experience includes the following:

- *Republic of Mozambique v Prinvest and others*: representing the Prinvest Group in US\$3 billion+ claims brought by the

Republic of Mozambique concerning allegations of bribes and conspiracy in connection with maritime infrastructure projects in Mozambique, including in a 12-week trial (with, amongst others, Duncan Matthews KC and Philip Riches KC). One of *The Lawyer's* Top 20 Cases of 2023.

- *Credit Suisse AG and another v Burgundy Sea Limited and others*: acting for HRH Prince Fahad and associated corporate entities in claims totalling c.£65m brought by Credit Suisse relating to alleged breaches of facility agreements for the refinancing of a super-yacht and real property (with Paul Lowenstein KC).
- *S v H* (2022-): acting, unled, in a US\$20 million+ HKIAC arbitration involving private equity investments and limited partnerships in the Cayman Islands, and raising novel issues as to the arbitrability of criminal allegations.
- *X v Citi* (2020-21): representing Citigroup entities in defending numerous claims in the County Court brought by consumers concerning allegations of PPI mis-selling.
- Assisted in a High Court claim involving alleged fraud and forgery in respect of financing transaction documents, including a swap agreement under the ISDA Master Agreement.

Insurance and reinsurance

Matthew's recent experience includes the following:

- *X v Citi* (2020-21): representing Citigroup entities in defending numerous claims in the County Court brought by consumers concerning allegations of PPI mis-selling.
- *K v Q* (2020): represented an assured party in a claim under an insurance policy, raising issues as to the proper scope of "contract work" and "contractual liability" exclusions in construction insurance policies.
- Advised in a marine insurance dispute in the context of substantial US litigation, including on the application of a 'pay to be paid' clause and principles of subrogation.

Company and insolvency

Matthew's recent experience includes the following:

- *Green Elite Ltd v Fang Ankong* (BVIHCMAP 2022/0013): acting in BVI litigation involving the alleged breach of directors' duties in relation to a Sino-Dutch metal recycling joint venture, including in the BVI Court of Appeal and a pending appeal before the Privy Council (with Jonathan Crow CVO, KC and Andrew Ayres KC).
- *K v A* (2023): acted in a SG\$400+ million shipbuilding arbitration concerning the construction and sale of a semi-submersible offshore drilling rig and a wide array of legal and technical issues, including the legal tests for insolvency under English and Singapore law (with, amongst others, Duncan Matthews KC, Roderick Cordara KC and Siddharth Dhar KC).
- Advised an environmental charity on prospective unfair prejudice and derivative actions against the directors of a leading global bank for non-compliance with NetZero policies (with Tony Beswetherick KC).
- Advised a BVI company in relation to shareholder claims and an application for injunctive relief relating to a private share placement.
- Advised on economic tort claims against a director in respect of a company's alleged breaches of equipment leasing contracts, raising issues as to the principle in *Said v Butt*.
- Instructed to assist in complex civil fraud litigation comprising derivative actions, an unfair prejudice petition, and allegations that a director has misappropriated c.£15 million.
- *E v F* (2019-21): acting as Tribunal Secretary in a DIFC-LCIA arbitration involving a shareholder dispute in the tech industry concerning DIFC and KSA entities (to Judith Gill KC, Gary Born and Rupert Reed KC).
- Advised joint liquidators on the recovery of property which has been disclaimed under the Insolvency Act 1986.
- Drafted an advice for use in Swiss litigation on the liability of an English company under an employment contract, which raised issues as to apparent and usual authority in the corporate context.
- Various appearances in the Companies Court in relation to winding-up petitions and bankruptcy petitions.

Commodities & international trade

Matthew's recent experience includes the following:

- *FIMBank v KCH Shipping* [2023] EWCA Civ 569, [2022] EWHC 2400 (Comm): successfully represented bareboat charterers in section 69 appeal proceedings before the Commercial Court and Court of Appeal, which raised the novel issue of whether the Hague-Visby Rules time bar applies after discharge in the context of misdelivery claims (with Simon Rainey KC). An appeal will be heard by the Supreme Court in July 2024.
- *J v T* (2021-22): acted as sole counsel for a Chinese SOE in a seven-figure HKIAC arbitration arising from sale and purchase agreements for manganese ore cargoes, including in a five-day final hearing.
- *G v P* (2021-22): acting for a global commodity trading company in multiple arbitrations against Asian state-owned entities relating to the payment of port charges under contracts for the supply of LNG cargoes (with Oliver Caplin).
- Assisted in an appeal to the GAFTA Board of Appeal in relation to claims regarding the delivery of non-contractual animal meal under c.f.r. sale contracts and the doctrine of common mistake.
- Assisted in a GAFTA arbitration concerning non-delivery under an f.o.b. contract and an ancillary application for a worldwide freezing order.

Energy & infrastructure

Matthew's recent experience includes the following:

- *K v T* (2020-21): representing the claimants in two ICC arbitrations in a mining dispute about a mine in the Democratic Republic of Congo involving allegations of corruption and bribery (with Charles Kimmins KC and Mark Tushingham).
- *Trafigura v Bulk Oil Storage and Transportation* (2020): represented the claimant in Commercial Court claims against a Ghanaian company arising under multiple oil and gas sale contracts.
- Assisted in an UNCITRAL arbitration concerning the conduct of a tender for the supply of equipment for the development of a Kazakh oilfield.

Jurisdiction, conflicts and enforcement

Matthew's recent experience includes the following:

- Assisted in a Commercial Court application to enforce a Stockholm arbitral award worth in excess of £100 million against a European state, raising issues as to the impact of *Slovak Republic v Achmea BV* (Case C-284/16) in the light of Brexit.
- Assisted in a Commercial Court claim for an anti-suit injunction to restrain foreign proceedings; injunction was obtained on the 'quasi-contractual' basis despite foreign proceedings having been on foot for more than a year.
- Assisted in a Commercial Court return-date hearing concerning the continuation of interim anti-suit injunctions, including on the 'quasi-contractual' basis.

Shipping

Ranked in *The Legal 500* as a Rising Star in Shipping, Matthew has a busy practice in all areas of shipping law, both as sole counsel and as part of a larger team. His recent experience includes the following:

- *FIMBank v KCH Shipping* [2023] EWCA Civ 569, [2022] EWHC 2400 (Comm): successfully represented bareboat charterers in section 69 appeal proceedings before the Commercial Court and Court of Appeal, which raised the novel issue of whether the Hague-Visby Rules time bar applies after discharge in the context of misdelivery claims (with Simon Rainey KC). An appeal will be heard by the Supreme Court in July 2024.
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- *B v J; B v C* (2021-23): representing two Peruvian entities of a global seafood and fishing enterprise in a US\$14 million LMAA arbitration involving allegations of fraud and sham in the context of a ship sale agreement, and an associated US\$40 million CMAC arbitration in the PRC involving related guarantee claims (respectively with Duncan Matthews KC and Michael Ashcroft KC).
- *J v T* (2021-22): acted as sole counsel for a Chinese SOE in a seven-figure HKIAC arbitration arising from sale and purchase agreements for manganese ore cargoes, including in a five-day final hearing.
- *JF Hillebrand v MSC Mediterranean Shipping Company SA* (2020-21): represented MSC in a Commercial Court bill of lading

dispute, raising novel issues as to the circumstances in which the Hague-Visby Rules are compulsorily applicable (with Charles Kimmins KC).

- *B v R* (2020-21): acted for the successful buyers in an arbitral dispute under a ship sale MOA, raising issues such as the impact of COVID-19 measures on the transfer of title (with Michael Coburn KC).

Recommendations

Matthew is bright, has experience beyond his years of qualification, and is one of the top junior juniors often chosen by silks to assist on matters. [The Legal 500 UK Bar 2024](#)