

Stephen Carter
Partner
BA Hons Law (Dunelm); MCI Arb



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Stephen has acted in insurance, reinsurance and agency disputes for over 30 years. He handles a wide range of London Market and international matters, both in litigation and arbitration, and advises on coverage issues, contract construction and regulatory matters. His work spans both the live and the run-off markets.

Stephen is rated in Chambers Guide as a leader in the field of reinsurance and in Legal 500 as a leader in the field of insurance and reinsurance. He is listed as an expert on insurance and reinsurance by "Who's Who Legal".

Stephen is an ARIAS (UK) panel arbitrator and is qualified as a member of the Chartered Institute of Arbitrators (through its international arbitration module). Stephen also handles commercial litigation and arbitration.

Career Overview

Stephen is Managing Partner of Carter Perry Bailey. On qualifying in 1980, he joined a leading London insurance law firm, practicing primarily in professional indemnity and public liability defence and coverage. He moved to Charles Russell to work for two years on secondment in-house at a run-off management company. During this time his focus expanded to include the reinsurance market, in which he has been closely involved ever since, and other classes of insurance, broking and agency. He became a Partner in Charles Russell, and headed its insurance and reinsurance practice until, in 2009, with other members of that team, he set up Carter Perry Bailey.

Litigation and Arbitration

Stephen represents UK and international clientele in insurance and reinsurance litigation and arbitration. This has ranged from defence and coverage issues in London courts and arbitration to co-ordinating the representation of, and advice to, parties in overseas disputes with multi-jurisdictional facets. His practice has encompassed a wide range of insurance, reinsurance, insurance broking and agency issues, both in the live and run-off markets. He has acted in ad hoc arbitrations and arbitrations under ARIAS (UK), ICC, LCIA, City Disputes Panel and KAC Rules, in London and overseas. Stephen is qualified as a member of the Chartered Institute of Arbitrators through its international arbitration module. He is also an ARIAS (UK) accredited arbitrator and has been instructed in overseas proceedings as an expert witness on English reinsurance.

Stephen has also conducted international commercial litigation and arbitration.

Stephen advises on the drafting of insurance policy and reinsurance contract wordings (both traditional and ILS backed) and agency contracts. In the run-off market, he has advised on run-off management and reinsurance issues including Loss Portfolio Transfers, Schemes of Arrangement, Part VII transfers, commutations and management agreements. He advises on insurance regulatory issues concerning UK business and establishment. He has also advised an overseas government on the drafting of its External Insurance Act and on the structures and legislation that would be involved in creating an arbitration centre.

In 2018, Stephen was inducted into Legal 500's "Hall of Fame" for his insurance and reinsurance litigation work.

He is a regular speaker and contributor of articles on insurance, reinsurance and arbitration issues and is currently a Director of Community Reinsurance Corporation Limited, a reinsurance company in run-off.

Memberships

ARIAS (UK) – Panel Arbitrator

Community Reinsurance Corporation Limited – Director

Chartered Institute of Arbitrators – Member

London Court of International Arbitration ("LCIA") – Member of the European Users Council

Federation of Defense & Corporate Counsel ("FDCC") – International Vice Chair; past Chair of Reinsurance, Excess and Surplus Lines Section; UK Country Representative

Association of Defense Trial Attorneys ("ADTA") – Member

British Institute of International and Comparative Law – Member

British Insurance Law Association ("BILA") – Member

Institute of Art and Law – Member

Association of Insurance & Reinsurance Service Providers ("AirSP") – Board Member

Insurance & Reinsurance Law Review – former Editorial Advisory Board Member

Royal Academy of Arts – Friend

Reported Cases

AA Mutual International Insurance Company v Bradstock Blunt & Crawley [1996] LRLR 161 – Concerning brokers' authority to offset claims in account.

Re AA Mutual International Insurance Company [2004] EWHC 2430 (Ch) – Jurisdiction under EU law to make an administration order in respect of the (re)insurer in run-off and satisfaction of creditors under the 1986 Insolvency Act.

Fenton Insurance Company v Gothaer Versicherungsbank VVAG [1991] 1 Lloyd's Rep 172 – Concerning alleged abandonment and repudiation through non-payment of treaty balances.

Hitachi v Rupali Polyester (1998) SCMR 1618 – Jurisdiction of an overseas Court over the procedure of an international arbitration in London. *

Hume v AA Mutual International Insurance Company [1996] LRLR 19 – Each member of a Lloyd’s Syndicate had a separate reinsurance contract with the reinsured, but a single Arbitration Agreement, which was an international Arbitration Agreement.

Kemper Reinsurance Co v Minister of Finance (Bermuda) & Others (Privy Council Appeal 67 of 1997) – Concerning the re-domestication of Electric Mutual Insurance Company.

Kemper Reinsurance Co v Minister of Finance (Bermuda) & Others [2001] 1 A.C.1 – Jurisdiction of the Court of Appeal in Bermuda to hear an appeal of issues arising out of the re-domestication of Electric Mutual Insurance Company.

Nationwide Mutual Insurance Company v Home Insurance Company (2002) 278 F.3d621 – Concerning discovery of alleged bias of arbitrators. **

North Atlantic Insurance Company v Nationwide General Insurance Company [2003] EWHC 449 (Comm) and [2004] EWCA Civ 243 – Entitlement to the benefit of common account reinsurance recoveries as between fronting and other pool members.

Scheps v Fine Art Logistics [2007] EWHC 541 – Incorporation of terms and conditions and valuation of sculpture.

* In the Pakistan Courts working with a local law firm

** United States Court of Appeals, working with local law firm

Directory Recognition

Chambers Guide

- “... “really knows his stuff” when it comes to reinsurance. He fields significant experience handling claims both in the London market and internationally.”
- “Stephen Carter has many years’ experience advising on insurance concerns, and is particularly adept at reinsurance work. Clients appreciate his “extremely forensic” approach and say that he is “very precise and responsive””
- “...has extensive experience in the market and is a seasoned run-off and reinsurance practitioner”
- “...is noted for his experience in matters pertaining to reinsurance, and acts for a range of domestic and international clients. One client describes him as “attentive and thorough, with a very good knowledge of insurance and reinsurance.””
- “...is recognised as a reinsurance specialist, with strong experience on cross-border disputes”

Legal 500

- “responsive, knowledgeable and client-centric”
- “... “has great knowledge of the reinsurance business” and his advice is always “appropriate and competent””
- “...is “professional” and “logical” and is recommended”