

Stephen Bate C. Arb, arbitrator, mediator and barrister



Introduction

Stephen Bate is a British citizen, Chartered Arbitrator, barrister and accredited mediator, with a UK domestic and international commercial arbitration practice carried on through ArbDB Chambers, arbitration chambers in London. His practice background is as a barrister at the English Bar, where he gained over 25 years' experience in a range of civil and commercial matters, specialising in entertainment and media cases, latterly at 5RB barristers' chambers. His advocacy practice was mainly in the courts of the Chancery Division, and his work predominantly contract - based.

Stephen became a Chartered Arbitrator in 2007. He is a member of the Presidential Panel of arbitrators at the Chartered Institute of Arbitrators and is listed with the Dubai International Arbitration Centre as a qualified arbitrator. He is also a member of the panel of arbitrators maintained by Sport Resolutions and an arbitrator on the panel of the London Chamber of Arbitration and Mediation.

Stephen has particular experience of arbitrations in Nigeria, having been a member of tribunals over a period of 5 years in complex disputes between shareholders of a mobile phone company.

Stephen was also accredited as a mediator in the UK by the Centre for Effective Dispute Resolution (CEDR) in 2002 and has since mediated over 200 cases with values up to £250M in a very wide range of commercial disputes. His mediation practice is carried out through CEDR: www.cedr.com.

Arbitral and Other Appointments¹

These include the following -

- Dispute over performance of a shareholders' agreement of a telecommunications company, arbitration under UNCITRAL Rules. Award of US\$130M (co-arbitrator).
- Dispute over exercise of pre-emption rights over further shares in the same company; arbitration under UNCITRAL Rules; value c. US\$80M (co-arbitrator).

¹ The arbitration appointments were by the Chartered Institute of Arbitrators, by courts (English High Court, the Federal High Court of Nigeria), the Centre for Effective Dispute Resolution (CEDR) and by appointing bodies in sports matters, such as Sport Resolutions for the English Football Association and English Football League.

- Sole arbitrator in contract dispute concerning the supply of education services to the Middle East, claim value c. £2M.
- Expert appointed to determine whether or not procurement contract in the healthcare sector had been terminated.
- Sole arbitrator in dispute involving claims relating to the sale and re-purchase of fleet motor vehicles.
- Sole arbitrator in patent licence dispute.
- Sole arbitrator in contract dispute concerning the supply of advertising services.
- Sole arbitrator in contractual loss of profits dispute in the fashion industry.
- Sole arbitrator in sale of goods dispute.
- Sole arbitrator in contract dispute in the soft drinks industry.
- Sole arbitrator in LLP partnership dispute concerning accountancy business; claims brought by partnership against one partner and cross-claims.
- Sole arbitrator in disputes concerning partnership retirement and enforceability of restrictive covenants against a leaving partner.
- Sole arbitrator in dispute between medical partnership and ex-partner over restrictive covenant.
- Sole arbitrator in dispute concerning contracts for the provision of facilities for the UK National Health Service.
- Chairman, English Football League Arbitration Panel; dispute between two football clubs concerning unauthorised disclosure of a transfer fee.
- Chairman of arbitrators for the English Football Association in disputes between player and player's agent under Rule K procedures.
- Chairman of Football League's Disciplinary Commission (FDC) in arbitration under EFL's Rules and Regulations concerning financial disclosures by former Chairman of Watford FC on behalf of the club; decision in public domain *EFL v Raffaele Riva*.
- FDC Chairman in arbitration between football clubs under EFL's Rules and Regulations over the poaching of a management team; decision in public domain *Colchester FC v Norwich FC*.
- FDC Chairman in dispute between player and club arising from termination of player's contract.
- FDC Chairman in dispute between (i) club and youth player over player's registration and (ii) clubs and player over liability to pay 'signing on' fee.
- 15 ABTA documents-only arbitrations in holiday and travel cases.
- 2007-2016, legal member of the Licensing Committee of UK horse racing's regulator (the British Horseracing Authority), chairing numerous hearings under 'fit and proper person' jurisdiction of the regulator.
- Legal Assessor/Adviser, sitting with and advising Fitness to Practise Panels for the General Dental Council and Health and Care Professions Tribunal Service in misconduct, performance and health cases and for the Chartered Institute of Management Accountants (CIMA) in disciplinary cases; previous experience (2010-2018) sitting as Legal Assessor in GMC/MPTS (doctors' fitness to practise) and racing corruption cases.
- Documents-only adjudications for CISAS under UK Communications Act 2003.
- Expert determinations for Nominet in registration disputes over .co.uk and .uk internet domain name registrations.

Areas of Arbitration Work

Fields of work covered include commercial contracts (eg distribution agreements, joint ventures, partnership/shareholder), ICT (information, communications and technology), telecommunications, intellectual property, media & entertainment, property, healthcare / procurement, sport.

The above include/further areas are: sale of goods, supply of services, licensing agreements, franchise agreements, gas supply contracts, computer contracts, employment contracts, restrictive covenant disputes, guarantee claims, contract disputes in many other different fields, e.g. sale of companies, warranty claims under sale and purchase agreements, agency agreements, contracts for advertising services; landlord & tenant, professional negligence (solicitors), competition claims, claims for breach of statutory duty, sponsorship and other sports-related agreements; breach of confidence, privacy and data protection.

Publications

Resolving Business Disputes: How to get better outcomes from commercial conflicts (Spiramus Press, 2020). This book explains in brief the various pathways to a binding decision under English law and the routes for a negotiated dispute outcome. It also deals with negotiation techniques and explains how businesses can make better-informed decisions on whether to litigate/arbitrate and/or settle disputes.

Previous History

1980 – 1981 Passed Bar Finals exams and called to the English Bar.

1979 – 1980 Diploma in Law, City University.

1976 – 1979 Magdalene College, Cambridge; M.A Foreign Languages (French and German).

Interests include a wide variety of sporting activities, history/international relations and membership of the Royal Geographical Society.

Other positions

Convener, Wester Ross Area Salmon Fishery Board.

Contact

For more information or to discuss Stephen's availability or fees please contact Martin Poulter, Clerk to Chambers on +44 (0)20 3514 9020 or by email martin.poulter@arbdb.com