



# OW TEST CASE – PERMISSION TO APPEAL JUDGMENT GRANTED

**In our update dated 14 July 2015<sup>1</sup>, we reported that Mr Justice Males upheld the London tribunal's decision that the Sale of Goods Act 1979 did not apply to the bunker supply contract and that ING/OW were entitled to receive payment from owners, even in circumstances where OW did not own property in the bunkers supplied.**

Owners have since been given permission to appeal that decision to the Court of Appeal, subject to the lodging of the appeal documents, so that these may be considered before the end of the court term (i.e. 31 July 2015).

As a further development in this latest chapter of the saga, a physical supplier has also sought to intervene in the existing English Court proceedings<sup>2</sup>, on the basis that they too are affected by the outcome of the current decision.

A Court of Appeal ruling on the issue is awaited with great interest and we shall be providing an update on the outcome in due course.

1 <http://www.hfw.com/OW-Bunker-test-case-judgment-handed-down-today-14-July-2015>

2 (1) PST Energy 7 Shipping LLC (2) Product Shipping And Trading SA versus (1) OW Bunker Malta Limited (2) ING Bank N.V. [2015] EWHC 2022(Comm)



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