



Peter Ferrer

Called: 1998

Peter Ferrer is an experienced and robust advocate practising in the Commercial Court, Chancery Division and international arbitration. He acts for private individuals, corporations and governments in a wide range of commercial matters. Peter has acted as an expert in various jurisdictions including the United States, Singapore and Pakistan. He is known for his approachable manner combined with first class legal skills. He is often instructed as sole counsel against leading counsel. Peter has been recognised as one of the leading juniors in the field of international trade and commodities as a 'standout name' in the 2016 edition of Who's Who Legal.

He undertakes all forms of advocacy including drafting and advisory work in the following fields:

- Shipping including charter party and bill of lading disputes, ship sale and construction disputes
- Commercial litigation
- Insurance and Reinsurance
- International Arbitration
- Injunctive Relief including freezing injunctions (domestic and worldwide), anti-sui injunctions, Vasso orders and proprietary relief.
- Aviation

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Shipping

Dry Shipping

Peter acts on behalf of Owners, Charterers, P&I Clubs, port authorities, shipyards, trading houses, transport companies and numerous shipping firms worldwide. He has considerable experience of disputes arising out of NYPE, SHELLTIME, GENCON, ASBATANKVOY, BPVOY, and Inter Club Agreement. He has particular strength in 'document heavy' technical cases. His recent cases include:

- *Fulton Shipping Inc of Panama v Globalia Business Travel S.A.U.* [2014] EWHC 1547: a US\$16 million section 69 application which is the leading authority on mitigation of damage by an innocent shipowner when faced with a repudiatory breach by charterers. Currently being appealed to the Court of Appeal.
- *Newland Shipping & Forwarding Ltd v Toba Trading FZC* [2014] EWHC 864, EWHC 661: a US\$4 million case which is a leading authority on contractual rights to terminate and acceptance of repudiation.
- *Finmoon Ltd v Baltic Reefers Management Ltd* [2012] EWHC 920: a leading authority on the notices of arbitration, estoppels and bills of lading.

His other experience includes:

- A complex multi-million dollar LMAA arbitration on an amended ASBATANKVOY form acting on behalf of Japanese interests involving allegation of unseaworthiness in the mooring equipment.

- A US\$2 million LMAA arbitration under an NYPE 1946 form involving a fire in a cargo hold caused by fumigants.
- A US\$90 million LMAA dangerous cargo arbitration causing the loss of a vessel due to liquefaction of iron ores fine off the coast of Mangalore.
- A 2 week LMAA arbitration regarding damaged sugar cargo due to water ingress through hatch covers.
- A US\$10 million LMAA arbitration acting for a well known Spanish shipyard in a US\$10 million refit claim involving a fire in the main engine room.
- A US\$30 million LMAA arbitration concerning unsafe port claim in Chittagong.
- acting in relation to US\$8 million lease and purchase agreement for containers (settled before trial).
- acting for the successful party in a substantial arbitration involving issues of brokers authority.
- A US\$4 million LMAA arbitration concerning contaminated bunkers.
- A US\$ 3 million LMAA concerning a main engine failure.

He is often instructed in relation to disputes arising out of MoAs and Norwegian Sale Forms. He is currently acting for Venezuelan buyers of a chemical tanker in a dispute with German sellers in arbitration.

He has extensive experience of disputes under letters of credit and commodity disputes including GAFTA and FOSFA. He acted on behalf of the successful Nigeria Buyers against Chinese Sellers in a US\$15 million ICC arbitration under the Vienna Convention on International Sale of Goods 1980 (CISG) in connection with the sale of cement. He also acted for the successful party in an Paris ICC arbitration in one of the first ever cases involving an ICC arbitrator emergency powers.

He acted in relation to a futures hedging dispute under ISDA 1992 for Japanese commodity traders. Other cases include:

- Riva Bella SA v Tamsen Yacht GmbH [2011] EWHC 1434 (Commercial Court before Eder J): a US\$10 million claim involving alleged deficiencies in a superyacht.
- Sony Computer Entertainment Ltd v (1) RH Freight Services Ltd (2) Jordan Freight (3) Gunther Konig Transport GmbH Speditionsunternehmen (Simon J) [2007] EWHC 302 (Comm) (Stay of proceedings pursuant to Reg. 44/2001, Art 28 in favour of Dutch proceedings).
- Torch Offshore LLC v Cable Shipping Inc [2004] EWHC 787 (Comm) Cooke J: challenge to arbitration award involving serious irregularity, distinction between issue and claim, whether application barred under section 57 (3) by failure to apply to arbitrators under slip rule. Scope of the slip rule.
- Minermet SPA Milan v Luckyfield Shipping Corp SA [2004] EWHC 729 (Comm) Cooke J: involving appointment of sole arbitrator under GENCON charter party and whether any risk of substantial injustice.
- David Del Curto and Others v Compania Sudamericana de Vapores SA "The Swan Ocean" [2004] CLCC Mercantile List: cargo claim in relation to the deterioration of Chilean Kiwifruit - failure to care for cargo - inherent vice.

Wet Shipping

Peter has acted in several salvage arbitrations including acting for cargo in relation to the MEDEA K. The case concerned an LOF claim in relation to a bulk carrier which developed a list off the coast of West Africa laden with 12,000mt of logs bound for China and was abandoned by her crew.

Peter has traditional Admiralty experience including salvage, collision and limitation actions. He acted for slot charterers in the MSC NAPOLI whose right to limit was upheld in Metvale v Monsanto International SARL [2009] 1 Lloyds Rep. 246. He also acted for the successful cargo interests in the sinking of the SUN CROSS (Owners of the cargo lately laden on board the SUN CROSS v Owners and/or demise charterers of the RICKMERS GENOA [2010] EWHC 1949)

Peter acted for the defendants in relation to a fatal accident claim on a fishing vessel involving issues of health and safety at work (Welburn v (1) Evert M Ltd, (2) Rocdan Ltd [2002] EWHC 2034 (Steel J)).

Shipbuilding

Peter's experience in relation to disputes arising out of the offshore industry includes:

- acting on behalf of the owners of a self propelled drillship in relation to a multimillion dollar refurbishment claim of an subsea drilling unit
- acting on behalf of warranty surveyors in relation to a claim involving damage to a jacket in an offshore accommodation unit.

- acting on behalf of numerous oil trading companies in relation to oil contamination disputes.

Peter also acts on behalf of underwriters, surveyors and shipyards. He recently acted for a Spanish shipyard in a substantial arbitration claim. Peter also acted for the Claimants on a €11 million super yacht dispute (reported at *Riva Bella SA v Tamsen Yachts Ltd* [2011] EWHC 1434 Eder J). He is currently acting on behalf of Venezuelan buyers under a MOA in relation to disputes arising from the sale of a chemical tanker.

Peter acted on behalf of the successful party in *The Midnight Hunter*, a multimillion dollar claim concerning the refurbishment of an offshore supply vessel (*Torch Offshore v Cable Shipping Ltd* [2004] 2 Lloyd's Rep. 446).

Commercial Dispute Resolution

Peter undertakes a wide range of commercial work including civil fraud, international sale of goods, asset finance litigation and professional negligence actions. He regularly advises on matters involving conflicts of law and jurisdictional issues. His recent experience includes:

- acting on behalf of Charles Stanley in a claim for margin involving the effect of the nationalisation of Northern Rock plc on the LIFFE Rules.
- Acting on behalf of a Japanese entity in a trademark dispute
- Acting on behalf of Iranian interests in a trading dispute with a Turkmenistani company.
- acting involved in enforcement proceedings in relation to a judgment of Supreme Court of British Columbia under the Foreign Judgments (Reciprocal Enforcement) Act 1933.
- acting in relation to a tracing claim and enforcement of an Arizona Superior Court Judgment in the context of Holocaust Era artwork.
- acting on behalf of a major oil trading house in a dispute over a multimillion pound commission allegedly owed to an oil trader.
- acting in several Multi Trader Intra-Community VAT fraud and dishonest assistance cases in excess of £34m.
- acting in relation to an alleged pension mis-selling claim against a well known investment bank (settled before trial)
- acting on behalf of the East Riding of Yorkshire council successfully obtaining an injunction against various parties to allow the completion of work to the terminal structure near Spurn Head Humberside by ordering the removal of persons from the area
- acting in relation to a EFT payment processor under the Visa and Mastercard Scheme Rules
- acting for a sponsor in relation to a dispute with Notts County (settled before trial)
- acting on behalf of Honeywell in relation to a multimillion pound products liability claim arising out of the failure of a nose landing gear on a BAe manufactured aircraft (settled before trial).
- acting in relation to a commercial arbitration involving issues of brokers authority.

Peter has broad commercial experience acting on behalf of and against banks and financial institutions. His experience includes disputes under documentary credits and guarantees, banking operations and investment advice. His cases include

- *Lancore v Barclays Bank* [2009] EWCA Civ 752 (he acted for a Payment Services Provider in a claim arising out of the Bank's role as merchant acquirer in the credit card payment system and the availability of an illegality defence; an appeal is pending for April 2009).
- *Fortune Hong Kong Trading Ltd v Cosco-Feoso* [2002] EWHC 79 (Comm. Ct.) (Construction of a letter of indemnity involving the Hong Kong Money Lenders Ordinance, the law of guarantees and measure of damages for fraudulent misrepresentation).
- *Gangway Ltd v Caledonian Park Investments (Jersey) Ltd* [2001] 2 Lloyd's Rep 715 (Comm. Ct.) (Realization of Bank's security when assets covered by a freezing order).
- He recently acted in relation to a futures hedging dispute under ISDA Master Agreement for Japanese commodity traders.
- He acted in relation to a US\$8 million asset finance claim (involving a lease and purchase agreement for containers)

International Arbitration

The majority of Peter's work is of an international nature. He has extensive experience in arbitration under a variety of rules including ICC, LCIA, IBA and LMAA. The subject matter of the arbitrations include international trade, the off

shore industry, oil and gas disputes and joint ventures.

Insurance

Peter has broad insurance and reinsurance experience in marine and non-marine insurance acting on behalf of assureds, underwriters and brokers. His experience includes:

- Acting for underwriters in relation to an Industrial All Risks Policy and Business Interruption Policy in relation to a steel plant in Malaysia.
- Acting on behalf of Beazleys in relation to a US\$5 million claim involving coverage issues under a Legal Expenses policy.
- Acting for the assured in relation to coverage dispute arising out of a fire at the assured premises.
- Acting on behalf of QBE in a multimillion pound reinsurance claim in the Commercial Court (settled before trial).
- Acting on behalf of Beazleys in relation to a professional indemnity policy (IFAs) involving Isle of Man proceedings against the financial adviser (instructed by Robin Simon).
- Acting (instructed by Taylor Wessing) in relation to a multimillion pound claim for an indemnity under a Container, Trailer and Equipment policy concerning the claims control clause and alleged breach of conditions precedent.
- Acting on behalf of the assured in a marine policy relation to the constructive total loss of a yacht in the Bay of Biscay, involving issues of suspensive warranties and sue and labour provisions.
- Acting on behalf of Beazleys in relation to a professional indemnity policy (architects) involving coverage issues due to alleged non-compliance with the notification provisions in the policy.

Aviation & Travel

Peter acts on behalf of airlines, airports, manufacturers and insurers.

He has particular aviation experience in relation to manufacturer liability claims includes acting on behalf of Honeywell in relation to the litigation arising out of the nose landing gear collapse in Manchester and recently acting on behalf of the Nimrod Review appointed by the Secretary of State for Defence at the inquest into the deaths of the 14 personnel on Nimrod XV230.

He has been instructed on numerous Convention claims including Cannon v MyTravel. He acted for the successful appellant tour operator in Grahame v JMC Holidays Ltd [2002] C.L.Y.2324 (case concerning the Package Travel Regulations 1992).

Peter is very familiar with CAA, JAR-OPS 1 and EU-OPS regulations having been instructed on behalf of the AOC holders in a High Court action in relation to an AOC 'piggy-back' dispute between operators and owners of a private fleet of jets (settled before trial).