



## Andrew Leung

Called: 2010

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Andrew is regarded as a “go-to junior” (Chambers UK 2021), “an incredibly sharp junior advocate with an enormous capacity for hard work and the ability to consistently deliver under pressure” (Legal 500, 2020) and a “future star of the English commercial Bar” (Legal 500 Asia Pacific, 2019), with a “first rate legal mind” (Legal 500 Asia Pacific, 2022) whose “drafting is second to none” (Legal 500, 2023). He has a broad commercial practice which encompasses commercial dispute resolution, international arbitrations, shipping, energy, commodities, insurance and reinsurance, and banking and financial services. His notable ongoing and recent Court experience includes:

- *Gravelor Shipping Ltd v GTLK Asia M5 Ltd* [2023] EWHC 131 (Comm) (led by Chris Smith KC); *Havila Kystruten AS v STLC Europe Twenty Three Leasing Ltd* [2022] EWHC 3166 (Comm); [2023] EWHC 444 (Comm) (led by Steven Berry KC and latterly Chris Smith KC): disputes arising out of the imposition of sanctions on Russian entities addressing the interaction between the enforceability of payment obligations, illegality of performance, the occurrence of events of default, and sanctions.
- *VTB Commodities Trading v Antipinsky Refinery (Petraco Oil Company SA intervening)* (see e.g. [2022] EWHC 2795 (Comm) and [2020] EWHC 72 (Comm)) (led by Yash Kulkarni KC), proceedings involving allegations of fraudulent double-selling and diversion of oil cargoes. Currently listed for a 3-week trial in November 2023.
- *Laysun Service Co Ltd v Del Monte International GmbH* [2022] EWHC 699 (Comm) (led by Yash Kulkarni KC): successfully resisted an appeal under section 69 of the Arbitration Act 1996; raised issues as to whether a force majeure defence was available to a charterer who had failed to load cargoes as a result of the economic effects of sanctions against Iran and an Iranian export ban.
- *Weco Projects ApS v Loro Piana (The My Song)* [2020] EWHC 2150 (Comm) (led by John Russell KC): jurisdictional battle arising out of the loss overboard during carriage of a €27 million superyacht owned by an Italian businessman.
- *Classic Maritime v Limbungan* [2019] EWCA Civ 1102 (with Simon Rainey KC), a dispute arising out of the collapse of the Samarco tailings dam in Brazil in 2015. Now the leading case on force majeure (on appeal from [2018] EWHC 2389 (Comm)).
- *Robertson v Bembridge Harbour Improvements Co Ltd* [2021] EWHC 1025: 3-day commercial court trial as sole counsel. The dispute concerned the submerging of an unmanned pleasure craft while moored in a harbour.

The majority of Andrew’s work is in international arbitration. For example:

- *LMAA Arbitration* [2023] (led by Nevil Phillips): Acted for tugowners in a 2-week trial arising out of the towage of a split dry-dock across the Atlantic during which one section of the dry-dock was lost.
- *LMAA Arbitration* [2022] (led by Simon Rainey KC): Acted for shipowners who sought declarations that they were entitled to divert a cargo of oil, worth \$120m and suspected to have been smuggled out of Iran, to the US government.
- *LCIA Arbitration* [2021]: A 3-week arbitration relating to the construction of an offshore gas platform (with Lionel Persey KC, Caroline Pounds and Andrew Carruth) raising issues in relation to project delay, acceleration and change order claims.
- *ICC Arbitration*: A 5-week arbitration involving a >US\$500m dispute under a contract for the construction of a

deep sea drill ship giving rise to issues as to deliverability, contractual termination and whether the buyer was responsible for delaying the project (with Duncan Matthews KC and Christopher Smith).

## What the directories say

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- *"Andrew is extremely capable, hardworking, and intelligent, and his advocacy is very measured and thorough, focusing in on the real issues and refusing to be distracted by irrelevancies."* (Legal 500, 2024)
- *"Perspicacious."* (Legal 500, 2024)
- *"He is very calm, thorough and strong."* (Chambers UK, 2024)
- *"Andrew is bright and absolutely cut out for complex matters where detail is important. He has a particular eye for technical details and a skill for guiding experts to provide compelling evidence."* (Chambers UK, 2023)
- *"Andrew is very bright, commercial and user-friendly."* (Chambers UK, 2023)
- *"He is a strong advocate and also has strong drafting skills."* (Chambers UK, 2023)
- *"Andrew is someone who does not give up easily, but relentlessly pursues his clients' interests and objectives. He is practical, solicitor-friendly and definitely easy to work with."* (Legal 500 Asia Pacific, 2023)
- *"Andrew is an incredibly sharp-witted barrister, with a particular knack for being able to see the bigger picture. He does not pull his punches when it is necessary to do get firm with recalcitrant opponents and his drafting is second to none."* (Legal 500, 2023)
- *"He has a a first-rate legal mind and a remarkable talent for digesting case materials at speed and providing focused, strategic analysis."* (Legal 500 Asia Pacific, 2022)
- *"Andrew is strong when it comes to attention to detail and dealing with complex legal matters."* (Chambers UK, 2022)
- *"Andrew is excellent - very efficient, smart and a pleasure to instruct."* (Chambers UK, 2022)
- *"He makes very cogent and compelling sense in drafting and is very practical."* (Legal 500, 2022)
- *"A future star of the Bar, he is an excellent junior who gives good and constructive advice quickly."* (Legal 500 Asia Pacific, 2021)
- *"Andrew Leung is a pleasure to work with. He is responsive, collaborative and efficient. He is capable of handling all the detail and technicalities of a case."* (Chambers UK, 2021)
- *"Superbly hard-working, he is a go-to junior."* (Chambers UK, 2021)
- *"Bright, hardworking, and a good team player."* (Legal 500, 2021)
- *"He is an incredibly sharp junior advocate with an enormous capacity for hard work and the ability to consistently deliver under pressure."* (Legal 500, 2020)
- *"Good at grasping the issues and working with heavy litigation involving a huge range of technical information."* (Legal 500 Asia Pacific, 2020)
- *"A future star of the English commercial Bar"* (Legal 500 Asia Pacific, 2019)
- *"He is a great communicator, thorough and hardworking."* (Legal 500, 2019)
- *"Excellent on detail, strategy and responsiveness."* (Legal 500 Asia Pacific, 2018)
- *"He provides sensible and thoughtful advice in a prompt manner."* (Legal 500, 2018)

## Commercial Dispute Resolution

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Andrew has been involved in cases across a wide spectrum of commercial areas including banking and finance, insolvency, sale of goods, bailment and fraud. He has also acted on numerous misselling disputes against major banks, including on behalf of a high-net worth investor whose investments were under the trusteeship of a major bank.

Illustrative cases include:

- Instructed in ongoing Commercial Court proceedings on behalf of an M&A advisor in relation to a dispute arising out of a merger and acquisition which resulted in a company with a market value of over US\$1.6bn (with John Russell KC). The M&A advisor's case is that it provided complete buy-side M&A advisory services, including those that would normally be provided by an investment bank, and that it is accordingly entitled to remuneration of c.US\$12m.
- **SIAC Arbitration** [2022] (with Simon Rainey KC): Acting on behalf of the owners of an LNG carrier in a dispute involving the termination of a long-term charter as a result of alleged events of default following the failure of the charterers to fulfil their obligations in relation to the provision and renewal of standby letters of credit.
- Commercial Court proceedings relating to pharmaceutical trials for a new drug.
- Advising on an LNG-supply dispute arising out of sanctions imposed by the Russian government on the gas supplier (with Simon Rainey KC).
- **VTB Commodities Trading v Antipinsky Refinery (Petraco Oil Company SA intervening)** (see e.g. [2020] EWHC 72 (Comm)) (led by David Wolfson KC and Louis Flannery KC), proceedings involving allegations of fraudulent double-selling and diversion of oil cargoes off-taken from a floating storage facility off Murmansk. Currently listed for a 3-week trial in May 2023.
- **Weco Projects ApS v Loro Piana (The My Song)** [2020] EWHC 2150 (Comm) (led by John Russell KC): jurisdictional battle arising out of the loss overboard during carriage of a €27 million superyacht owned by an Italian businessman.
- **Xuzhou Construction Machinery Group v Ozmak Makina & Anr** [2020] Comm Ct: Instructed as sole counsel in application to enforce Chinese arbitral award worth over US\$12m under section 101 of the Arbitration Act 1996.
- **Anderson v Gillingham Football Club** (ongoing) Comm Ct: Acting for a director of Gillingham FC in a claim against the Club for repayment of loans.
- **Classic Maritime v Limbungan** [2018] EWHC 2389 (Comm), a 2-week Commercial Court trial in which Andrew (led by Simon Rainey KC) acted for the charterers under a long-term contract of affreightment who claimed the Samarco dam collapse in Brazil in 2015 was a force majeure event excusing their subsequent non-performance. An appeal and cross-appeal from the latter decision was heard by the Court of Appeal in June 2019: [2019] EWCA Civ 1102.
- **Perla Navigation Ltd v Doron Shuster & Ors** [2016] Comm Ct: Successfully resisted application to set aside default judgment in the sum of £10m + due under a personal guarantee (with Nevil Phillips).
- **OW Bunkers** (2014-2017): Acting for various owners/charterers/bunker suppliers in High Court and arbitral proceedings addressing claims arising out of the insolvency of OW Bunkers. Issues include the availability of interpleader relief, payment into Court to prevent wrongful arrest, retention of title, the impact of the Res Cogitans decisions, issues posed by Cool Carriers and service out of the jurisdiction (with John Kimbell KC). Andrew is also instructed as sole counsel in a number of OW Bunkers disputes in which issues include the existence and cross-jurisdictional enforceability of liens said to arise from the supply of bunkers.
- Instructed by a private equity firm in a dispute involving a take-private transaction valued at over US\$1bn. The sums claimed are in excess of US\$25.5m.
- **United National Bank Ltd v DF Deutsche Forfait AG** [2014] Comm Ct: summary judgment application for sums due under a finance agreement concluded in connection with the export of construction equipment (with Chris Smith).
- **Chinacast Education Corp v Chan & ors** [2013] HKCFI 1855, a dispute involving claims worth in excess of RMB50m brought by one of China's largest education companies.
- **Nakanishi Marine Co Ltd v Gora Shipping** [2012] EWHC 3383 (Comm), a ship finance and guarantee dispute concerning the relative priority of lenders' rights and the impact of this on the remedies available to a junior lender, including the enforceability of a guarantee.

## International Arbitration

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The majority of Andrew's practice involves international arbitrations, including under LMAA, LCIA and SIAC terms, in all of his main practice areas. These include:

- **SIAC Arbitration** [2022] (with Simon Rainey KC): Acting on behalf of the owners of an LNG carrier in a dispute involving the termination of a long-term charter as a result of alleged events of default following the failure of the charterers to fulfil their obligations in relation to the provision and renewal of standby letters of credit.
- **LMAA Arbitration** [2022] (led by Simon Rainey KC): Acted for shipowners who sought declarations that they were entitled to divert a cargo of oil, worth \$120m and suspected to have been smuggled out of Iran, to the US

government. Settled midway through trial.

- **LMAA Arbitration** [2022] (led by Nevil Phillips): Dispute arising out of a fire allegedly originating in misdeclared dangerous cargo onboard a container ship. Settled shortly before trial.
- **LCIA Arbitration** [2021]: A 3-week arbitration relating to the construction of an offshore gas platform (with Lionel Persey KC, Caroline Pounds and Andrew Carruth) raising issues in relation to project delay, acceleration and change order claims.
- Advising on an LNG-supply dispute arising out of sanctions imposed by the Russian government on the gas supplier (with Simon Rainey QC).
- **Xuzhou Construction Machinery Group v Ozmak Makina & Anr** [2020] Comm Ct: Instructed as sole counsel in application to enforce Chinese arbitral award worth over US\$12m under section 101 of the Arbitration Act 1996.
- **ICC Arbitration** (2018): dispute regarding the delivery of a drill ship with a contract value of over US\$517m (with Duncan Matthews QC and Christopher Smith). Issues include the buyer's alleged right to terminate the contract, whether the drill ship was ready for delivery on the last date for delivery, and if not, whether this was due to prevention by the buyer. A 5-week hearing took place in 2018. Andrew delivered oral closing submissions on prevention.
- **LMAA Arbitration** (2016-2017): defending claims arising out of the construction of 5 superyachts (with Nigel Cooper QC).
- **LMAA Arbitration** (2016-2017): dispute arising out of buyer's termination of shipbuilding contract owing to builder's alleged failure to deliver by the drop-dead date (with Nevil Phillips).
- **LCIA Arbitration** (2016): dispute arising out of the large-scale refurbishment of an FPSO (with Simon Rainey QC, David Thomas QC and Christopher Smith). Issues include the contractor's right to request variations and the buyer's obligation to respond to and pay for such variations. Andrew has also advised as sole counsel on the contractor's entitlement to remuneration for specific types of variations.
- **LCIA Arbitration** (2016): dispute concerning allocation of risk for berthing delays in the Port of Barcelona.
- **SIAC Arbitrations** (2015-2016): Acting for shipbuilder in numerous related arbitrations; issues include the application of the prevention principle and whether contracts can be maintained in force by the innocent party following the counterparty's repudiatory breach (with Simon Rainey QC).
- **LMAA Arbitration** (2015-2016): acting for Owners in an arbitration involving the loss of the "Bulk Jupiter" at sea due to suspected liquefaction of a cargo of bauxite (with Luke Parsons QC).
- **LMAA Arbitration** (2015): instructed by the purchaser in arbitrations concerning disputes arising out of the construction of two jack-up rigs with a contract value of c.US\$225 million each (with Lionel Persey QC).
- **LMAA Arbitration** (2015): represented charterers in a trial raising issues as to dangerous cargo, seaworthiness, intervention by the Master during loading and the scope of the implied indemnity under the NYPE form (with Luke Parsons QC).
- **LMAA Arbitration** (2014): represented the successful buyers in the trial of a dispute concerning a trilateral MOU to purchase a fleet of 10 vessels said to be worth US\$75 million. Issues as to whether the MOU was unenforceable for uncertainty and/or as an agreement to agree, ostensible authority and ratification, and whether the prima facie measure of damages under section 50(3) of the Sale of Goods Act 1979 applies (with Lionel Persey QC).

## Shipping

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### Dry Shipping

Andrew's practice has a particular focus on all aspects of dry shipping and commodities, including seaworthiness, port safety, bunker disputes, hire disputes and speed & performance claims.

- **LMAA Arbitration** [2022]: acting for charterers who are claiming that a charterparty was frustrated as a result of the Russian invasion of Ukraine. The ship is currently stuck in Odessa. Owners are claiming c.US\$20m in hire and allege charterers nominated an unsafe port.
- **LMAA Arbitration** (ongoing): acting for the owners in a dispute arising out of the loss of wind turbines overboard during heavy weather (with Rob Thomas KC). Listed for trial in November 2022.
- **Laysun Service Co Ltd v Del Monte International GmbH** [2022] EWHC 699 (Comm) (led by Yash Kulkarni QC): successfully resisted an appeal under section 69 of the Arbitration Act 1996; raised issues as to whether a force majeure defence was available to a charterer who had failed to load cargoes as a result of the economic effects of sanctions against Iran and an Iranian export ban.
- **LMAA Arbitration** [2022] (led by Nevil Phillips): Dispute arising out of a fire allegedly originating in misdeclared dangerous cargo onboard a container ship. Settled shortly before trial.

- **LMAA Arbitration** [2022] (led by Simon Rainey QC): Acted for shipowners who sought declarations that they were entitled to divert a cargo of oil, worth \$120m and suspected to have been smuggled out of Iran, to the US government.
- **LMAA Arbitration** (2020-2021): acting for charterers in a dispute arising out of delays to the loading of heavy-lift cranes onto a vessel allegedly as a result of Covid-19 restrictions said to have frustrated the charterparty.
- **LMAA Arbitration** (2021): acting for owners in a dispute arising out of lengthy, allegedly frustrating delays to the discharge of Australian coal in China due to an alleged informal embargo (led by Michael Davey KC).
- Advising on the potential consequences of the Suez Canal blockage on owners' rights and obligations under charterparties
- **Weco Projects ApS v Loro Piana** (The My Song) [2020] EWHC 2150 (Comm) (led by John Russell KC): jurisdictional battle arising out of the loss overboard during carriage of a €27 million superyacht owned by an Italian businessman.
- **LMAA Arbitration** (2019): dispute arising out of fire and explosion on vessel alleged to have been caused by dangerous cargo (with Simon Rainey KC)
- **LMAA Arbitration** (2019): trial of a dispute arising out of a slot-sharing agreement between operators of cross-channel transit services (with Nevil Phillips).
- **Classic Maritime v Limbungan** [2018] EWHC 2389 (Comm), a 2-week Commercial Court trial in which Andrew (led by Simon Rainey KC) acted for the charterers under a long-term contract of affreightment who claimed the Samarco dam collapse in Brazil in 2015 was a force majeure event excusing their subsequent non-performance. An appeal and cross-appeal from the latter decision was heard by the Court of Appeal in June 2019: [2019] EWCA Civ 1102.
- **Deep Sea Maritime Ltd v Monjasa A/S** ("The Alhani") (led by Nevil Phillips): Drafted skeleton argument for the respondent owners who are resisting an appeal from the 1st instance decision by the appellant charterers. The issues on appeal are: (a) whether the Art.III r.6 Hague Rules time bar operates against claims for misdelivery, and (b) whether proceedings brought by a cargo interest in breach of an exclusive jurisdiction clause can qualify as competent suit.
- **LMAA Arbitrations** (2016-2017): acted for the charterers in multiple arbitrations in which owners claimed hire and/or damages following vessel arrests by bunker suppliers purporting to exercise liens on account of non-payment by (inter alios) OW Bunkers.
- **LMAA Arbitration** (2016): acted for carriers in a trial of a dispute involving a COA for the carriage of iron ore. Issues as to force majeure and frustration following mine closure due to operator's insolvency (with Michael Davey KC).
- **LMAA Arbitration** (2015-2016): acted for the owners in an arbitration involving the loss of the "Bulk Jupiter" at sea due to suspected liquefaction of a cargo of bauxite (with Luke Parsons KC and Tim Hill KC).

## Wet Shipping

Andrew has been instructed in a variety of collision disputes. Cases include actions between yachts in a regatta, and between a long boat and rowing boat. He also has experience of general average disputes and unsafe port claims.

- **X-Press Pearl**: acting with Simon Rainey KC on behalf of shipowners in Admiralty Court limitation proceedings arising out of the total loss of the MV "X-Press Pearl" which sank off Colombo in 2021.
- Advising on the potential consequences of the Suez Canal blockage on owners' rights and obligations under charterparties
- **Owners of the MV "Gravity Highway" v Owners of the MV "Maritime Maisie"** (Admlty Ct): instructed in relation to a quantum dispute arising out of a collision between the two vessels (with Luke Parsons QC).
- **Fatmarini Maritime PTE Ltd v Pequod Associates & Or** (Comm Ct): acting for owners in a general average dispute; settled shortly before trial in February 2019.
- **Mitsui & Co v Agincourt Marine Co Ltd** (Comm Ct): acted for cargo interests in a general average dispute.
- Acted for owners in a general average / unsafe port dispute involving an allision with a reef.
- Acted for claimants in a general average dispute arising out an engine room flooding
- **The Styliani Z** [2015] EWHC 2153 (Admlty): acted for the successful Defendant in an application to set aside a Claim Form purportedly amended to convert an in personam into an in rem claim (with John Russell QC).

## Energy

Andrew has a growing practice in this field. Examples of recent work include:

- **SIAC Arbitration** [2022] (with Simon Rainey KC): Acting on behalf of the owners of an LNG carrier in a dispute involving the termination of a long-term charter as a result of alleged events of default following the failure of the



charterers to fulfil their obligations in relation to the provision and renewal of standby letters of credit.

- Advising on an LNG-supply dispute arising out of sanctions imposed by the Russian government on the gas supplier (with Simon Rainey KC).
- **LCIA Arbitration** [2021]: A 3-week arbitration relating to the construction of an offshore gas platform (with Lionel Persey KC, Caroline Pounds and Andrew Carruth) raising issues in relation to project delay, acceleration and change order claims.
- **LMAA Arbitration** (2019): dispute arising out of collision between anchor handling tug and well head platform offshore Saudi Arabia which occurred while the tug was carrying out construction work (with Simon Rainey KC).
- **ICC Arbitration** (2018-2020): dispute regarding the delivery of a drill ship with a contract value of over US\$517m (with Simon Rainey KC, Duncan Matthews KC and Christopher Smith, acting on behalf of the builder). Issues include the buyer's alleged right to terminate the contract, whether the drill ship was ready for delivery on the last date for delivery, and if not, whether this was due to prevention by the buyer. A 5-week hearing took place in 2018. Andrew delivered oral closing submissions on prevention. Andrew's client was successful in the arbitration and subsequently defeated the buyer's application for permission to appeal under section 69 of the Arbitration Act 1996.
- **Vitol SA v Tamoil Overseas Ltd** [2018] Comm Ct: Acted on behalf of sellers in relation to a dispute under a contract of sale for Brass River crude oil.
- Advised buyers regarding potential delay claims arising out of the construction of an offshore accommodation / support vessel (with Luke Parsons KC)
- **LCIA Arbitration** (2016): dispute arising out of the large-scale refurbishment of an FPSO (with Simon Rainey KC, David Thomas KC and Christopher Smith). Issues include the contractor's right to request variations and the buyer's obligation to respond to and pay for such variations. Andrew has also advised as sole counsel on the contractor's entitlement to remuneration for specific types of variations.
- **LMAA Arbitration** (2015): instructed by the purchaser in arbitrations concerning disputes arising out of the construction of two jack-up rigs each with a contract value of c.US\$225 million each (with Lionel Persey KC). The disputes involve the question of whether the builder was obliged when constructing the rigs to complete all the works necessary to enable operation in the North Sea.
- **OW Bunkers** (2014-2017): Acting for various owners/charterers/bunker suppliers in High Court and arbitral proceedings addressing claims arising out of the insolvency of OW Bunkers. Issues include the availability of interpleader relief, payment into Court to prevent wrongful arrest, retention of title and the impact of the Res Cogitans decision (with John Kimbell KC). Andrew has also been involved in several disputes arising out of the arrest of vessels by ING in the purported exercise of liens incurred due to non-payment for bunkers.
- **CWT Commodities (Rotterdam) BV v Risen Energy Co Ltd** [2015]: dispute arising out of sale and purchase of solar panels.

## Shipbuilding

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Andrew is instructed in a variety shipbuilding and offshore construction disputes, including disputes concerning the construction, sale, purchase and financing of commercial and recreational vessels, as well as gas platforms. He has also been involved in cases regarding ship repair as well as pipeline and drill construction claims.

- **LCIA Arbitration** [2021]: A 3-week arbitration relating to the construction of an offshore gas platform (with Lionel Persey QC, Caroline Pounds and Andrew Carruth) raising issues in relation to project delay, acceleration and change order claims.
- **ICC Arbitration** (2018-2020): dispute regarding the delivery of a drill ship with a contract value of over US\$517m (with Simon Rainey KC, Duncan Matthews KC and Christopher Smith, acting on behalf of the builder). Issues include the buyer's alleged right to terminate the contract, whether the drill ship was ready for delivery on the last date for delivery, and if not, whether this was due to prevention by the buyer. A 5-week hearing took place in 2018. Andrew delivered oral closing submissions on prevention. Andrew's client was successful in the arbitration and subsequently defeated the buyer's application for permission to appeal under section 69 of the Arbitration Act 1996.
- **LCIA Arbitration** (2016): dispute arising out of the large-scale refurbishment of an FPSO (with Simon Rainey KC, David Thomas KC and Christopher Smith).
- **LMAA Arbitration** (2016-2017): defending claims arising out of the construction of 5 superyachts (with Nigel Cooper KC).
- **LMAA Arbitration** (2016-2017): dispute arising out of buyer's termination of shipbuilding contract owing to builder's alleged failure to deliver by the drop-dead date (with Nevil Phillips).
- **LMAA Arbitration** (2015): Acting for the purchaser in a dispute concerning a state-of-the art accommodation vessel and whether it was in deliverable condition on its drop-dead date (with Luke Parsons KC)

- **SIAC Arbitrations** (2015): Acting for shipbuilder in numerous related arbitrations; issues include the application of the prevention principle and whether contracts can be maintained in force by the innocent party following the counterparty's repudiatory breach (with Simon Rainey KC).
- **LMAA Arbitration** (2015): instructed by the purchaser in arbitrations concerning disputes arising out of the construction of two jack-up rigs each with a contract value of c.US\$225 million each (with Lionel Persey KC).
- **LMAA Arbitration** (2014): represented buyers in the trial of a dispute concerning a trilateral MOU to purchase a fleet of 10 vessels said to be worth US\$75 million. Issues as to whether the MOU was unenforceable for uncertainty and/or as an agreement to agree, ostensible authority and ratification, and whether the prima facie measure of damages under section 50(3) of the Sale of Goods Act 1979 applies (with Lionel Persey KC).
- **Nakanishi Marine Co Ltd v Gora Shipping** [2012] EWHC 3383 (Comm): a ship finance dispute concerning the relative priority of lenders' rights and the impact of this on the remedies available to a junior lender, including the enforceability of a guarantee.

## International Trade and Commodities

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A large part of Andrew's practice is in international trade and commodities. He regularly acts in disputes arising out of the international sale of goods, including those involving trade association rules

- **LMAA Arbitrations** [2022], with Poonam Melwani KC and Paul Toms: acting for sellers in relation to a dispute arising out of the supply of anti-corrosion paint for cargo holds and alleged losses caused by its defective application / condition. Issues as to the exclusivity of the contractual warranty regime and causation.
- **VTB Commodities Trading v Antipinsky Refinery (Petraco Oil Company SA intervening)** (see e.g. [2020] EWHC 72 (Comm)) (led by David Wolfson QC and Louis Flannery QC), proceedings involving allegations of fraudulent double-selling and diversion of oil cargoes. Currently listed for a 3-week trial in May 2023.
- **Classic Maritime v Limbungan** [2018] EWHC 2389 (Comm), a 2-week Commercial Court trial in which Andrew (led by Simon Rainey KC) acted for the charterers under a long-term contract of affreightment who claimed the Samarco dam collapse in Brazil in 2015 was a force majeure event excusing their subsequent non-performance. An appeal and cross-appeal from the latter decision was heard by the Court of Appeal in June 2019: [2019] EWCA Civ 1102.
- **Vitol SA v Tamoil Overseas Ltd** [2018] Comm Ct: Acted on behalf of sellers in relation to a dispute under a contract of sale for Brass River crude oil.
- **OW Bunkers** (2014-2017): Acting for various owners/charterers/bunker suppliers in High Court and arbitral proceedings addressing claims arising out of the insolvency of OW Bunkers. Issues include the availability of interpleader relief, payment into Court to prevent wrongful arrest, retention of title, the impact of the Res Cogitans decisions, issues posed by Cool Carriers and service out of the jurisdiction (with John Kimbell KC). Andrew is also instructed as sole counsel in a number of OW Bunkers disputes in which issues include the existence and cross-jurisdictional enforceability of liens said to arise from the supply of bunkers.
- **LMAA Arbitration** (2016): acted for carriers in a trial of a dispute involving a COA for the carriage of iron ore. Issues as to force majeure and frustration following mine closure due to operator's insolvency (with Michael Davey KC).
- **LMAA Arbitration** (2015): Acting for sellers in an FOB dispute arising out of the misallocation of cargoes of steel pipes between vessels
- **LMAA Arbitration** (2014): represented buyers in the trial of a dispute concerning a trilateral MOU to purchase a fleet of 10 vessels said to be worth US\$75 million. Issues as to whether the MOU was unenforceable for uncertainty and/or as an agreement to agree, ostensible authority and ratification, and whether the prima facie measure of damages under section 50(3) of the Sale of Goods Act 1979 applies (with Lionel Persey KC).

## Insurance

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Andrew is regularly instructed to advise and act in marine and non-marine insurance claims. His practice encompasses hull and cargo marine insurance and reinsurance both in his own right and with leading counsel. Relevant experience includes:

- **LMAA Arbitration** (ongoing): Andrew is instructed on behalf of an insurer (led by Nigel Jacobs KC) in a dispute involving claims / counterclaims of c.US\$5m and allegations of breaches of duty of good faith and fraudulent misrepresentation against the insurer. Andrew (as sole counsel) successfully resisted a jurisdictional challenge by the assured.
- Advising insurers as to the application of penalty rule to termination provisions (with Luke Parsons KC).
- Advising insurers as to scope of indemnity potential liability for human rights abuses and mistreatment by a

mining company.

- Acting for Insurers in multiple High Court claims concerning vessels delivered with pre-existing defects.
- **LMAA Arbitration** (2015-2016): acting for Owners in an arbitration involving the total loss of the "Bulk Jupiter" at sea due to suspected liquefaction of a cargo of bauxite (with Luke Parsons KC). Issues include the scope of the co-insurance defence and subrogation immunity, both recently addressed in *The Ocean Victory* [2015] 1 Lloyd's Rep. 381.
- **Sea Glory Maritime Co v Al Sagr National Insurance Co** [2014] 1 Lloyd's Rep 14: a three-week Commercial Court trial of a substantial insurance dispute involving issues of non-disclosure, breach of warranty, and illegality.

## Banking

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Illustrative cases include:

- **SIAC Arbitration** [2022] (with Simon Rainey KC): Acting on behalf of the owners of an LNG carrier in a dispute involving the termination of a long-term charter as a result of alleged events of default following the failure of the charterers to fulfil their obligations in relation to the provision and renewal of standby letters of credit.
- **STX Offshore & Shipbuilding Co. Ltd v Kaptanoglu**: dispute arising out of ship finance guarantees involving allegations of estoppel by convention (with John Kimbell KC).
- **United National Bank Ltd v DF Deutsche Forfait AG**: summary judgment application for sums due under an agreement securing participation in the export of construction equipment (with Chris Smith).
- **The Royal Bank of Scotland v Gregory and others** instructed by RBS in proceedings to enforce guarantees and indemnities said to be unenforceable owing to illegality on the basis that the loan agreements which they secured constituted financial assistance provided by a company for the purpose of enabling a person to acquire its shares contrary to section 151 of the Companies Act 1985.
- **Nakanishi Marine Co Ltd v Gora Shipping** [2012] EWHC 3383 (Comm), a ship finance and guarantee dispute concerning the relative priority of lenders' rights and the impact of this on the remedies available to a junior lender, including the enforceability of a guarantee.
- Several mis-selling disputes against major banks, including on behalf of a high-net worth investor whose investments were under the trusteeship of a major bank.

## Aviation & Travel

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Andrew advises on and has acted in a wide range of aviation and travel disputes. He has extensive experience of claims under Regulation 261/2004 and the Montreal Convention, both on paper and in Court. He frequently acts on behalf of major airlines, providing advice, drafting pleadings and representing these clients in the County Courts.

## Jurisdictional Disputes and Conflicts of Laws

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Andrew has extensive experience in a wide spectrum of injunctive relief and procedural matters. He has assisted in matters raising issues of conflicts of law and jurisdictional issues, he has also obtained Vasso orders. Illustrative cases include:

- **Weco Projects ApS v Loro Piana (The My Song)** [2020] EWHC 2150 (Comm) (led by John Russell KC): jurisdictional battle arising out of the loss overboard during carriage of a €27 million superyacht owned by an Italian businessman. An appeal from the first instance decision (in which Andrew's client, the bailee of the yacht, was successful in establishing the Court's jurisdiction) is due to be heard in July 2021.
- **Anemone Navigation S.A. v Liberty Compania & Anr** [2020] Comm Ct: acted for owners in an application for an interim anti-suit injunction to restrain proceedings brought in Chile by subrogated insurers of cargo owners designed to claw back general average contributions made to owners.
- **VTB Commodities Trading v Antipinsky Refinery (Petraco Oil Company SA intervening)** [2019] Comm Ct: applied on behalf of 3rd party intervener to vary US\$225m worldwide freezing order to permit off-take of US\$30m oil from floating storage facility in Murmansk. Advancing claim against the applicant under its cross-undertaking in damages to 3rd parties; defending counterclaim involving allegations of fraud, conspiracy to injure and Russian law torts.
- **LMAA Arbitration** (2017): Successfully resisted a jurisdictional challenge brought by an assured against an insurer on the basis that the multi-tier arbitration clause under which the insurer had commenced arbitration was unenforceable and/or had been frustrated as a result of the insolvency of the insurer.
- **OW Bunkers** [2017] Comm Ct, Admlty Ct (with John Kimbell KC): successfully obtained permission to serve claim



forms in multiple foreign jurisdictions seeking interpleader relief on behalf of bunker suppliers in several sets of proceedings.

- *Jaguar Land Rover v Grupo Viamar* (2016): acted for Jaguar Land Rover in a successful application for an anti-suit injunction restraining proceedings brought by Grupo Viamar in the Dominican Republic for damages stemming from the expiry of a distribution agreement.
- *HBB Relocation Services Ltd* (2015): Freezing injunction to restrain dissipation of proceeds from an apparently fraudulent property sale; Norwich Pharmacal order requiring disclosure of the identities of bank account holders.
- *A v B* [2014] Comm Ct: freezing injunction to restrain the transfer of a fleet of vessels by the termination of charterparties and sub-charterparties (sole counsel at the application hearing, led by Nigel Jacobs KC on the return date)
- *Nakanishi Marine Co Ltd v Gora Shipping* [2013] EWHC 514 (Comm): freezing injunction to restrain the sale of a vessel; anti-suit injunction to restrain foreign proceedings designed to pre-empt a trial which was due to be heard in the English court
- *S v B* (2012): multiple world-wide freezing injunctions in proceedings to enforce a US\$35.5 million arbitration award.

## Academic

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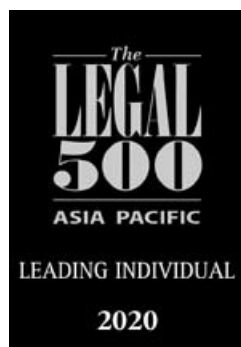
MA (English), Girton College, Cambridge (Double First, 2nd highest First in year)

MPhil (Criticism and Culture), Girton College, Cambridge (Distinction)

Diploma in Law; Bar Vocational Course, City University.

## Ranking

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## Other qualifications

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Lincoln's Inn:

Shelford Pupillage Scholarship (2010)

Lord Mansfield Scholarship (2009)

Lord Bowen Scholarship (2008)

Hardwicke Entrance Award (2007)

Girton College, University of Cambridge:

Girton College Graduate Research Scholarship (2007)

Graduate Scholarship (2007)

Stribling Award (2007)

Laurie Hart Prize for academic excellence (2007)

Emily Davies Scholarship (2006 & 7)

Charity Reeves Prize (2006 & 7)