



Caroline Pounds

Called: 2003
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Practice Overview

Caroline was awarded 'Shipping Junior of the Year' at the Chambers UK Bar Awards 2015 and was shortlisted for Shipping Junior of the Year for the Legal 500 UK Awards 2019. She was also recognised as one of Legal Week's 'Stars at the Bar' in 2013 ("*Her attention to detail and analysis are first class and advocacy skills are excellent*") and is further praised by Chambers UK for being "*Hard-working, thorough and user-friendly.*"; "*Bright.*" and "*tough as nails, very bright and very succinct*".

Caroline's practice encompasses the broad range of general commercial litigation and arbitration. Her particular areas of specialism include shipping, carriage of goods, shipbuilding, energy and commodities. She undertakes drafting and advisory work in all areas of her practice and regularly appears in the Commercial Court and in arbitration, both as sole counsel and as junior. She is a sought after junior and enjoys a significant amount of led work. In particular, she is regularly led by [Luke Parsons Q.C.](#) and [Simon Rainey Q.C.](#)

What the directories say

"Well regarded for cases with challenging points of law."

(Legal 500 Asia Pacific, 2020)

"She's responsive, available and highly intelligent."

(Chambers UK, 2020)

"She's a pleasure to work with, very commercial and responsive."

(Chambers UK, 2020)

"Extremely diligent and intelligent."

(Legal 500, 2020)

"Provides an excellent service."

(Legal 500, 2020)

"She is able, responsive and diligent; an outstanding lawyer."

(Legal 500 2019)

"She is incredibly thorough and immerses herself in the details of complex cases."

(Legal 500 2019)

..."Hard-working, thorough and user-friendly."..."Bright."...

(Chambers UK, 2019)

"First-class. Has a very quick turnaround and operates at a very high level." ... "Capable, responsive and commercially minded."

(Chambers UK, 2018)

"very hard-working and provides detailed, well thought-out advice."

(Chambers UK, 2018)

... "She is incredibly thorough and immerses herself in the detail of a complex case"...

(Legal 500, 2017)

... "She is clearly very knowledgeable on shipping and provides good, accurate, timely and commercial advice"...

(Chambers UK, 2017)

... "Preferred junior on very big and complex cases"...

(Chambers UK, 2017)

... "She works hard and clients love her" ... "Has a very clear, persuasive style, and is very hard working and committed"...

(Chambers Global, 2016)

... "Incredibly hardworking and highly intelligent"...

(Legal 500, 2016)

... "A highly regarded junior who is impressing many solicitors and peers at the Bar with her excellent advocacy and drafting skills"...

(Chambers & Partners 2016)

"She is tough as nails, very bright and very succinct"

(Chambers & Partners 2015)

"An extremely hard working junior who is good on detail and has sound judgment"

(UK Legal 500 2015)

"... she punches above her weight in shipping matters. She knows the law and delivers very high-quality work, first time, on time, every time"...

(Chambers & Partners 2014)

... "Her keen grip on the technical law combines with an easy, no-fuss approach which gets the job done"....

(UK Legal 500 2014)

Shipping & Maritime

Dry Shipping

Recommended in the field of Shipping & Commodities in Chambers & Partners for the last seven years, as an "outstanding junior" who "punches above her weight in shipping matters. She knows the law and delivers very

high-quality work, first time, on time, every time".

Dry shipping work forms the bedrock of Caroline's practice. She has extensive experience of bill of lading and charterparty disputes, including claims for damage to and / or mis-delivery of cargo, unsafe port cases, claims for early / late redelivery, off-hire disputes, claims for demurrage / damages for detention, claims under the NYPE Inter-Club Agreement and cases concerning the application and effect of the Hague, Hague-Visby and Hamburg Rules, and speed and consumption claims. Illustrative cases include:

- Unsafe port claim (US\$140 million) under an NYPE charterparty in respect of the grounding and total loss of a Capesize vessel off the coast of South Africa, led by Jeremy Russell Q.C.
- Multiple claims for damages under various bills of lading (based on alleged unseaworthiness of the vessel) in respect of an explosion on board a chemical tanker, led by Jeremy Russell Q.C.
- Claim for US\$60 million in respect of unpaid hire and damages for repudiatory breach of a long term time charterparty, led by Luke Parsons Q.C.
- Claims arising under various bills of lading and non-negotiable cargo receipts following the grounding of a vessel carrying high-value vehicles in UK waters (led by Luke Parsons Q.C.). Issues arising include the applicable liability regime (i.e. Hague / Hague-Visby), causation and remoteness.
- Claims and counter-claims arising under a Baltime charterparty following a fire on board the vessel resulting in the vessel becoming a constructive total loss, led by Luke Parsons Q.C.
- Claim for damages under a bareboat charterparty on the Barecon form in respect of the defective condition of the vessel on delivery.
- Claims under various charterparties regarding the allegedly wrongful insistence by the Master on clausing the relevant bills of lading.

Wet Shipping

In addition to the "dry" side of her practice, Caroline also has experience of numerous "wet" and other admiralty matters, including arrests, limitation claims, orders for sale and maritime liens. Recent cases include:

- Caroline was instructed as junior counsel (leg by [Nigel Jacobs Q.C.](#)) in a substantial claim for damages (based on apportionment pursuant to section 187 of the Merchant Shipping Act 1995) arising out of a grounding and near-miss incident in the Suez Canal, resulting in significant oil pollution.
- An urgent application to the Commercial Court out-of-hours to permit inspection of a vessel in Singapore in respect of a dispute arising under a bareboat charterparty.

International Trade & Commodities

Caroline undertakes a variety of work in the commodities field and has experience of a broad range of commodities dispute. Her recent cases include the following:

- **Mena Energy DMCC v Hascol Petroleum Ltd** [2017] EWHC 262 (Comm): Claim for damages in the Commercial Court in respect of the repudiation of two contracts for the sale of fuel oil / gas oil, the issues arising included whether or not binding contracts were concluded (and, if so, on what terms) and a counterclaim based on alleged wrongful presentation of documents pursuant to the associated letter of credit. The quantum issues (due to be determined in January 2018) extend to whether or not the claimant ought to have hedged its losses in mitigation. Caroline is led by [Simon Rainey Q.C.](#)
- Advising a leading producer of iron ore pellets as regards the correct construction of a long term iron ore supply agreement, in particular its pricing provisions based on various indices and prevailing market practice.
- Advising an international trading house in respect of quality and demurrage claims pursuant to a contract for the sale / purchase of reinforced steel bars.
- Advising a well-known energy company in respect of a quality / quantity dispute and time bar issues arising under a contract for the sale / purchase of crude oil.

Energy & Natural Resources

Caroline has a rapidly expanding practice in the energy field and an increasing amount of experience in this highly technical and commercial area. Her current and recent cases include the following:

- Commercial Court claim for US\$40 million for sums alleged to be owing under a drilling contract. Issues arising include the extent to which the contract constitutes a complete code and the defendant company's liability to pay for periods of non-productive time attributable to the contractor's negligence and / breach of contract. Caroline is led by [Simon Rainey Q.C.](#)
- Claims and counterclaims arising in respect of the cancellation of a shipbuilding contract in respect of a semi-submersible drilling vessel, led by Richard Jacobs Q.C.
- An LCIA arbitration concerning a dispute under a Memorandum of Agreement relating to a project for the engineering, procurement, construction and commissioning of First Commercial Production facilities for an oilfield development in Iraq, led by Luke Parsons Q.C.
- Commercial Court claim for €300m (now settled) for sums owing pursuant to a contract for repair and upgrade works to an FPSO, led by Luke Parsons Q.C.
- Acting as sole counsel in a US\$23 million dispute (now settled) arising out of a contract for the provision of an ultra-deepwater drilling unit for the purposes of oil / gas exploration in the Arctic offshore West Greenland following the malfunctioning of the sub-sea blowout preventer.
- Acting as sole counsel in a dispute (now settled) arising out of a series of contracts relating to the provision of pipelay and ancillary services for a gas project in Nigeria. The contracts involved comprised a charter (on an amended Supplytime 2005 form) of a pontoon, together with a contract for the provision of trenching services. The dispute centred on claims for damages following damage to, and loss of, a post-trenching machine.
- Caroline was also previously instructed, together with James Turner (as he then was), in a dispute concerning a contract for the provision of diving, ROV, survey and sub-sea tie-in, testing and other sub-sea construction services for the purposes of the development of a gas field in the North Sea. The matter was successfully resolved at mediation.

Shipbuilding

Caroline has extensive experience of the full-range of shipbuilding disputes and is well-versed in their complex legal and technical aspects. She is regularly instructed by a number of different shipyards (predominantly based in China and Korea) and has worked regularly with Lionel Persey Q.C. and James Turner Q.C. in particular in this field over the last few years. Her current and previous experience includes the following:

- Acting for the Buyers (led by Richard Jacobs Q.C.) in an LMAA arbitration in respect of the cancellation of a shipbuilding contract in respect of a semi-submersible drilling vessel.
- Acting for the Buyers in two connected LMAA arbitrations (collective value US\$60 million) turning on whether or not the delivery dates under two shipbuilding contracts concluded with a major Korean shipyard had been extended by agreement, led by Simon Rainey Q.C. The case also gave rise to the more unusual issues of abuse of process and res judicata and was successfully resolved in Caroline's clients' favour following the hearing.
- Acting for the Sellers (led by Simon Croall Q.C. and James Turner Q.C.) in two connected LCIA arbitrations in which the Buyers sought to resist the Sellers' claims for non-payment of instalments on the grounds of alleged illegality.
- Acting for the Sellers (led by Lionel Persey Q.C.) in concurrent arbitrations focussing on delay claims and whether or not the Sellers were entitled to an extension of time in which to build the vessels (by reason of various modifications requested by the Buyers). This was a highly technical dispute in which Caroline took a very active role in terms of advising as to the necessary factual and expert evidence, travelling abroad to assist those instructing her as required. The case eventually settled shortly before the hearing.
- Numerous other disputes concerning delay in this context – damages at large and liquidated damages; rescission and repudiation; and the effect of (in)action by the buyer.

Ship Sale and Purchase

Caroline also handles ship sale and purchase disputes and has particular experience of the Norwegian Sale Form. Her on-going and previous cases include:

- Acting (with Simon Rainey Q.C.) on behalf of the buyers of a vessel in a claim for damages for breach of the implied term as to satisfactory quality pursuant to section 14 of the Sale of Goods Act 1979 in a contract concluded on the Norwegian Sale Form (relying on the decision in *The Union Power* [2012] EWHC 3537 (Comm)).
- Acting as junior counsel (led by Lionel Persey Q.C., and Luke Parsons Q.C., respectively) in two different arbitrations in which the buyers alleged that they had been induced to enter into the MOA by fraudulent misrepresentations by the sellers as to the condition of the vessel.

International Arbitration

A significant proportion of Caroline's practice comprises cases dealt with by way of arbitration. Many of these cases proceed to an award on a documents-alone basis, where Caroline's skill lies in identifying the important issues and producing clear, focused and persuasive written submissions. Caroline has extensive experience of both LMAA and LCIA arbitrations.

Caroline's LCIA experience includes the following:

- Junior counsel in a dispute under a Memorandum of Agreement relating to a project for the engineering, procurement, construction and commissioning of First Commercial Production facilities for an oilfield development in Iraq.
- Dispute under a joint venture agreement in respect of a Panamanian investment vehicle for the operation of long term charters.
- Junior counsel representing a Russian investment vehicle as against a former CIS state for expropriation of aviation assets (US\$20 million).
- In the international field, Caroline was instructed as junior counsel (led by James Turner as he then was) representing a Chinese shipyard in a shipbuilding dispute which went to arbitration in Hong Kong.

Caroline has also been instructed in a number of cases concerning applications to the Court under the 1996 Act, in particular applications under section 68 and 69. Recent cases include *W Ltd v M Sdn Bhd* [2016] EWHC 422 (Comm), in which Caroline acted (with Luke Parsons Q.C.) and successfully resisted a s. 68 challenge to an arbitration award on the grounds of alleged apparent bias on the part of the arbitrator, notwithstanding that the conflict in question fell within the Non-Waivable Red List of the IBA Guidelines.

Insurance & Reinsurance

Caroline has experience in both marine and non-marine insurance matters, acting for assureds, underwriters and brokers in cases concerning such issues as coverage, non-disclosure and misrepresentation defences and claims co-operation clauses. Caroline also has experience of claims pursuant to P&I Club rules and claims under the Third Parties (Rights Against Insurers) Act 1930.

Government

Caroline was junior counsel to the highly regarded and influential Nimrod Review, an independent, private review conducted by Charles Haddon-Cave QC (as he then was) into the broader issues surrounding the loss of the Royal Air Force Nimrod MR2 aircraft XV230 in Afghanistan on 2 September 2006.

Academic

Hertford College, Oxford - B.A. (Oxon) Jurisprudence (First Class Honours)
Université Panthéon-Assas (1999 – 2000) – Certificat Supérieur de Droit Français (Mention Bien)
BPP Law School – Bar Vocational Course (Very Competent)

Other Qualifications

Lincoln's Inn Mansfield, Hardwicke & Droop Scholar.
Winner of the Robert Wright Mooting Competition 2003.

Languages

Working knowledge of French

Memberships

COMBAR; Young International Arbitration Group of the LCIA; Young Arbitrators Forum of the ICC.

In-House Experience

In the course of her career, Caroline has done placements at a number of major city law firms.

Interests

Travel, running, theatre.