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Nevil Phillips is among the most highly-regarded advocates at the Commercial Bar, and was shortlisted for Shipping Junior of the Year at the Chambers UK Bar Awards 2023. He has consistently been listed for many years as a first-ranked Leading Junior in Shipping, Commodities, and Trade & Customs by The Legal 500, Legal 500 Asia Pacific, Chambers UK, Chambers Global, Who's Who Legal, and Best Lawyers where he has been variously cited as:

"He is silk level in both his advocacy and academic ability."

(Chambers UK, 2020)

"Nevil Phillips is an outstanding senior junior. He has an excellent grasp of the law, is quick to see the commercial angle in any matter and is absolutely first class with clients. In court he commands respect from opponents and judges alike."

(Chambers UK, 2020)

"A top silk without the badge – a terrier and the ideal add-on to any winning team." (Legal 500 Asia-Pacific, 2019)

"Very hands-on. A complete team player. ... Engaging and user-friendly. ... Fabulously clever. He can be relied on to get to grips with difficult issues." (Chambers UK, 2019)

"...Has an encyclopaedic knowledge of the law, combined with an extremely high standard of advocacy and commercial understanding..." (Legal 500, 2019)

He has featured as successful counsel in a number of recent high-profile reported commercial and shipping cases. These include *Deep Sea Maritime Ltd v Monjasa A/S (The Alhani)* [2018] EWHC 1495 (Comm) (re the application of Article III, rule 6 of the Hague Rules to misdelivery claims); *Re Three Arbitrations (P v Q, Q v R, R v S)* [2018] EWHC 1399 (Comm) (re the effect of contractual time-bars in charterparty chains, and the jurisdiction to extend time under s. 12 of the Arbitration Act 1996); and *The Aconcagua Bay* [2018] EWHC 654 (Comm) (re the scope of "always accessible" under a voyage charter).

Nevil's practice envelops all aspects of commercial and shipping advisory and advocacy work, encompassing the broadest spectrum of commercial, international trade, commodities, shipping, maritime, shipbuilding, ship sale, energy, insurance, finance, and jurisdictional disputes and associated areas and remedies. He appears regularly in commercial arbitration (both domestic and international, with experience before a wide variety of arbitral institutions, bodies and trade associations, including LMAA, GMAA, LCIA, ICC and associated bodies), the Commercial Court, and the appellate courts.

A significant proportion of Nevil's practice involves high-value (unreported) International Arbitration work, especially in the Energy and Shipbuilding fields. Recent examples include a dispute regarding disclosure of commission rights between a business and finance development agent in the Middle East and the US commercial entity seeking finance and venture capital investment with regard to eventual IPO; as leading counsel in a USD 20 million dispute regarding the construction of a very high profile Offshore Support/Emergency Towing Vessel; as leading counsel in USD35 million multi-vessel shipbuilding dispute; as counsel for a shipyard in a USD35 million shipbuilding dispute involving

issues of unlawful conduct; as counsel for the buyer in a complex USD 25 million technical dispute concerning shipment and supply of fuel and source material for an Imperial Smelting Plant; and as counsel in a multi-million Euro joint venture dispute between international ferry operators.

Much of Nevil's practice involves him leading a team, very often against Silks. He is especially well-regarded for his skills as a subtle cross-examiner, especially of experts.

Nevil also has substantial experience as an arbitrator, and has also given expert evidence on English law to courts in other jurisdictions. He has also written and/or contributed to a number of leading text books in his fields, including his own authoritative work: "The Merchant Shipping Act 1995 – An Annotated Guide". Nevil is also a member of the Editorial Board of Lloyd's Law Reports.

Nevil is a popular and regular choice as a presenter/speaker at legal and corporate functions, seminars and lectures.

What the directories say

- *"Nevil is incredibly intelligent, produces brilliant written work and is able to assimilate information very quickly in order to produce very clear advice. He is very good on the strategic side and at looking at everything with a holistic view."* (Chambers UK, 2024)
- *"Nevil has a mastery of the law, works very hard and is an absolute pleasure to work with."* (Chambers UK, 2024)
- *"Nevil is very calm, very clever and provides good advice on strategy."* (Chambers UK, 2024)
- *"He is one of the top names in shipping cases."* (Chambers UK, 2024)
- *"Nevil is warm, genuine and a seriously impressive barrister."* (Chambers UK, 2023)
- *"Nevil is always very involved in cases and takes a keen interest in the tactics. He has the weight and gravitas of a KC."* (Chambers UK, 2023)
- *"Nevil is always very strong on the details and very candid about the strengths and weaknesses of a case."* (Chambers UK, 2023)
- *"Nevil can do any sort of case and make his points well. He is a great advocate and great fun to work with. He is highly regarded by the shipping law arena as a superstar senior junior. He is one of a handful of barristers in London who can claim to have all of those qualities and to be at that standard."* (Legal 500 Asia Pacific, 2023)
- *"Able to win the minds of judges and arbitrators by precise and clear argument supported by a friendly and persuasive demeanor."* (Legal 500, 2023)
- *"He has a high level of expertise in his area, and is very responsive and has excellent litigation skills and commercial judgement."* (Legal 500 Asia Pacific, 2022)
- *"Nevil is great to deal with and knowledgeable on both wet and dry work. He is excellent on his feet. He is charismatic and engaging."* (Chambers UK, 2022)
- *"A diligent and dedicated barrister with a logical, cogent, coherent and rational intellect. He is an excellent advocate who is able to persuade, not only through the strength of his arguments but also expressed with charm and wit."* (Legal 500, 2022)
- *"Very thorough, unflappable and easy to work with."* (Legal 500 Asia Pacific, 2021)
- *"Nevil is an extremely approachable barrister."* (Chambers UK, 2021)
- *"He is exceptional."* (Chambers UK, 2021)
- *"He is highly experienced in maritime and trade disputes and familiar with the latest developments in the law. He is patient, logical, persuasive and always makes himself available."* (Chambers UK, 2021)
- *"Nevil Phillips is an outstanding senior junior. He has an excellent grasp of the law, is quick to see the commercial angle in any matter and is absolutely first class with clients. In court he commands respect from opponents and judges alike."* (Chambers UK, 2020)
- *"The way he communicates with clients, witnesses, experts and arbitrators alike is excellent."* (Chambers UK,

2020)

- *"He is silk level in both his advocacy and academic ability."* (Chambers UK, 2020)
- *"Has an excellent manner and ability to get across complicated legal issues."* (Legal 500, 2020)
- *"A top silk without the badge – a terrier and the ideal add-on to any winning team."* (Legal 500 Asia Pacific, 2019)
- *"...Very hands-on. A complete team player ... Engaging and user-friendly ... Fabulously clever. He can be relied on to get to grips with difficult issues ..."* (Chambers UK, 2019)
- *"...Has an encyclopaedic knowledge of the law, combined with an extremely high standard of advocacy and commercial understanding."* (Legal 500, 2019)
- *"... User-friendly, innovative, proactive, and the best advocate money can buy ..."* (Legal 500 Asia Pacific, 2018)
- *"Excellent" ... "Extremely approachable and very bright."* (Chambers UK, 2018)
- *"...a superstar of the bar ... He has a great courtroom manner and always manages to get the tribunal on side"* (Who's Who Legal, 2018)
- *"... simply amazing ... He is a junior who works at the level of a silk."* (Who's Who Legal, 2018)
- *"Absolutely top-notch"* (Legal 500, 2017)
- *"...Engaging and user-friendly"...* (Legal 500, 2016)
- *"...he is very commercial, highly pragmatic, excellent on his feet and regularly available when you need him"...* (Chambers UK, 2016)
- *"...he strikes the right balance between being easy to work with and being thorough technically" "He gives very clear and cogent advice"...* (Chambers UK, 2015)
- *"...an outstanding advocate, incredibly fast thinking and a real problem solver"...* (Legal 500, 2014)
- *"...a very polished advocate, who gets results through his preparation and through his clear and compelling presentation of the client's case...he is always prepared to do that little bit extra to assist instructing solicitors and to provide us with the best possible advice"...* (Chambers UK, 2013)
- *"...the kind of advocate that you want on your side - he is full of charm and wit, but also incisive and hard-hitting when necessary"...* (Chambers UK, 2012)

Shipping

"He knows marine and international trade upside down and inside out. He brings a light, insightful and humorous touch to proceedings and is known for his "quick thinking." (Chambers UK)

Nevil's experience encompasses the entire spectrum of shipping disputes, and reflects his extensive knowledge and expertise with respect to both the contractual and practical trade/technical aspects of disputes. He is especially highly regarded for his experience and knowledge in relation to charterparty and bill of lading disputes (especially dangerous cargo cases, in which his knowledge and experience in alleged cargo liquefaction disputes is market-leading), claims arising in relation to domestic and international contracts of sale, and matters relating to the carriage of goods by road (domestic and international (CMR)) and storage (on ad hoc and institutional terms (NAWK, BIFA, RHA)). In the latter regard, Nevil has assisted in the drafting of new editions of well-known institutional standard market terms.

Dry shipping

Illustrative cases include:

Before the English courts

- As counsel in a multi-million dollar, multi-party dispute arising out of alleged Customs offences in Thailand.
- As counsel in a very substantial GA dispute arising out of the seizure of a vessel by Somali pirates.
- *Deep Sea Maritime Ltd v Monjasa A/S (The Alhani)* [2018] EWHC 1495 (Comm) (re the application of Article III, rule 6 of the Hague Rules to misdelivery claims).

- *The Aconcagua Bay* [2018] EWHC 654 (Comm) (re the scope of “always accessible” under a voyage charter).
- *Regulus Ship Services Pte Ltd v Lundin Services BV* [2016] EWHC 2674 (Comm) (one of the most important new decisions in the field of international towage).
- *The Wehr Trave (SBT Star Bulk and Tankers (Germany) GmbH Co KG v Cosmotrade SA)* [2016] EWHC 583 (Comm): regarding the scope of charterers' rights under a time charter trip.
- *Spar Shipping AS v Grand China Logistics Holding (Group) Co Ltd* [2015] EWHC 718 (Comm) and [2016] EWCA Civ 982: regarding renunciation under time charters and whether payment of timely advance hire is a condition.
- *Libyan Navigator Ltd v Lamda Maritime Holdings Sp. z. o. O* [2014] (Comm. Ct.): a multi-million dollar dispute concerning the right of and scope for interpleader relief in the context of a lien exercised over sub-freights in a charterparty chain.
- *The Ladytramp (ED&F Man Sugar Ltd v Unicargo Transportgesellschaft GmbH)* [2012] EWHC 2879 (Comm) and [2013] EWCA Civ 1449 (CA): a dispute concerning the previously un-determined meaning and effect of the exception of “mechanical breakdown” under Clause 28 of the Sugar Charterparty form.
- *The Port Russel (Trafigura Beheer BV v Ravennavi SpA)* [2013] 2 Lloyd's Rep. 57 (Comm. Ct.): a dispute concerning the approach to construction of a provision regarding the means of tender of an NOR in Clause 19(a) of BPVOY 3 charterparty form.
- *The North Prince (Glory Wealth Shipping Pte Ltd v North China Shipping Ltd)* [2011] 1 All E.R. (Comm) 641 (Comm. Ct.): a multi-million dollar dispute concerning the measure of damages in the case of consecutive premature redelivery under time charterparties.
- *Bunge SA v ADM do Brasil Ltda* [2009] EWHC 845 (Comm): one of the leading decisions concerning the scope of the common law implied term as to the shipment of dangerous cargo.
- *Bottiglieri di Navigazione SpA v Cosco Qingdao Ocean Shipping Co (The Bunga Saga Lima)* [2005] EWHC 244 (Comm): one of the leading decisions concerning the effect of waiver in the context of unclean holds.
- *Portolana Compania Naviera Ltd v Vitol SA Inc (The Afrapearl)* [2003] EWHC 1904 (Comm) and [2004] EWCA Civ 864: the leading decision on the meaning of “breakdown” in a charterparty exception clause..

In arbitration

- As leading counsel (leading Matthew McGhee of Twenty Essex) in a multi-million dollar arbitration regarding redelivery of 3 vessels under bare-boat-conditional-sale agreements.
- As counsel in a multi-million Euro claim regarding alleged misrepresentations relating to an international ferry service.
- As leading counsel (leading Andrew Leung of Quadrant Chambers) in a USD20 million arbitration regarding the construction of a very high profile Offshore Support/Emergency Towing Vessel.
- As counsel in a multi-party multi-million dollar ship fire case involving complex issues of causation and seaworthiness.
- As counsel for a US superyacht manufacturer in a US\$20 million construction dispute with a Chinese buyer.
- As counsel for a US superyacht manufacturer in a USD 34 million construction dispute with a Russian buyer.
- As counsel for charterers in a technically complex USD 3 million dispute regarding alleged destruction of tank coatings by cargo.
- As leading counsel (leading Christopher Jay of Quadrant Chambers) in a complex and substantial dispute concerning the fall-out of the OW Bunkers insolvency.
- As leading counsel (leading Christopher Jay and Tom Bird of Quadrant Chambers) in a complex USD 35 million shipbuilding dispute.
- As leading counsel (leading Tom Bird of Quadrant Chambers) in 13 consolidated charterparty dispute references valued at USD 45 million.
- As counsel for a shipyard against the buyer in a complex USD35 million shipbuilding dispute involving issues of unlawful conduct.
- As counsel in a multi-million Euro joint venture dispute between international ferry operators.
- As counsel in a multi-party arbitral dispute involving issues of time-bar for the commencement of arbitral proceedings and relief under s 12 of the Arbitration Act 1996.
- As counsel for owners against charterers in USD3 million arbitration regarding speed and consumption and profit share disputes under a charterparty.
- As counsel for owners for charterers in an arbitration appeal application concerning unseaworthiness, certification and fitness for cargo.
- As counsel for owners against charterers in an arbitration appeal application concerning complex issues of off-hire and causation.
- Representing the charterers in a legally and technically complex charterparty dispute (in which the relief claimed total over USD30,000,000) regarding the loss of a bulk carrier and all but one of the crew, alleged to be due to the liquefaction of a cargo of bauxite.

- Representing the charterers/disponent owners in a complex back-to-back charterparty dispute (in which the relief claimed total over USD110,000,000) raising difficult questions of vessel identity, and claims in deceit.
- Representing the owners of a container ship in a challenging charterparty dispute (in which the relief claimed total over USD20,000,000) regarding an explosion and resulting fire, alleged to be due to a dangerous containerised cargo.
- Representing the charterers and owners in a variety of high-value cargo contamination claims.
- As counsel in a large number of ship-sale and purchase disputes on a wide variety of standard sale forms.

Wet Shipping

Nevil has a long-standing reputation for the quality of his advisory and advocacy work in the field of wet shipping. He has acted and advised in a very significant number of salvage matters, towage disputes, unsafe port and berth cases, collision actions, and associated Admiralty disputes. Many of these have been high-profile matters, including the *Sea Empress* litigation (in which he represented one of the Oil Majors involved in the dispute), *The Marchioness* (in which he represented the owners of *The Marchioness* at the Formal Inquiry), *The Napoli*, and, most recently, *Keynvor Morlift Ltd v The Kuzma Minin* [2019] EWHC 3557 (Admlty) – a very rare example of a reported High Court judgment in a salvage matter.

Nevil also has experience of handling of other pure Admiralty matters such as claims for crew wages, claims under ship mortgages, and matters arising in relation to rights of arrest.

Illustrative cases include:

- As counsel in a substantial collision action arising out of a collision in port in Europe.
- As counsel in a USD125 million collision action arising out of a collision in Indonesian waters.
- As counsel in a USD500 million very high profile collision and loss claim arising out of a collision in the China sea.
- As counsel in a USD6 million collision dispute and reference concerning issues of recoverability of loss and loss of a chance.
- Advising the owners of a vessel alleged to be liable for a "putting by" incident in the Suez Canal.
- Representing the charterers of a tug in a dispute under the Supply time 89 form regarding the transfer of an FPSO from Tunisia to Malaysia via the Cape of Good Hope.
- Advising the charterers of a number of off-shore ice tugs in relation to a multi-million dollar dispute concerning ice damage to the tugs and liability under the Supplytime 89 form.
- Advising the owners and operators of a tug involved in a major construction project in a dispute concerning the death of an operative on another tug involved in a collision incident, raising issues of corporate manslaughter, navigation, and contractual liability under the Towcon form.
- Representing the owners of a number of vessels in arbitral disputes relating to unsafe ports, berths, channels and anchorages, particularly with regard to passages through rivers in South America (involving questions of liquid mud, silting and "fluff").
- *The Sea Empress (2000-2003) (Adm. Ct.)*: casualty in Milford Haven; recovery from Oil Pollution Compensation Fund; economic loss; public nuisance
- *The Marchioness* (2000): Counsel to owners of "The Marchioness" in Formal Investigation before Sir Anthony Clarke.

Shipbuilding & Offshore Construction

Nevil has a wealth of experience and involvement in disputes concerning shipbuilding and offshore construction. Almost all of his experience has been in arbitration and, hence, is largely unreported. He has detailed knowledge and experience of all familiar institutional standard forms.

Illustrative cases include:

- As counsel for a substantial shipyard in disputes concerning the construction of international ferries.
- As counsel for a Chinese shipyard in a USD50 million dispute before arbitrators in Singapore concerning warranty claims and recovery of transferred loss.
- As leading counsel (leading Andrew Leung of Quadrant Chambers) in a USD20 million arbitration regarding the construction of a very high profile Offshore Support/Emergency Towing Vessel.
- As leading counsel (leading Christopher Jay and Tom Bird of Quadrant Chambers) in a complex USD 35 million shipbuilding dispute.
- As counsel for a shipyard against the buyer in a complex USD35 million shipbuilding dispute involving issues of

unlawful conduct.

- As counsel for a US superyacht manufacturer in a US\$20 million construction dispute with a Chinese buyer.
- As counsel for a US superyacht manufacturer in a USD 34 million construction dispute with a Russian buyer.
- Advising the charterers of a number of off-shore ice tugs in relation to a multi-million dollar dispute concerning ice damage to the tugs and liability under the Supplytime 89 form.
- Advising in relation to a significant number of shipbuilding contracts, as regards a variety of issues including rights in relation to the enforceability of guarantees, quality disputes, critical path disputes, breaches of warranty, sovereign immunity, and restitution and unjust enrichment.
- Advising the owners and operators of a tug involved in a major construction project in a dispute concerning the death of an operative on another tug involved in an allision incident, raising issues of corporate manslaughter, navigation, and contractual liability under the Towcon form.
- *Wilhelm Finance Inc v Ente Administrador Del Astillero Rio Santiago*[2009] 1 C.L.C. 867 (Comm. Ct.): a dispute concerning the alleged sovereign immunity of a state-owned Argentinian shipyard in a complex shipbuilding dispute.

International Arbitration

Nevil has exceptional experience in this area, particularly as regards London maritime and institutional and international arbitration – both as counsel and as arbitrator. He publishes regular articles in the field.

His experience extends to almost all forms of arbitration, with regular appearance in LMAA and LCIA disputes, and significant experience in other institutional and ad hoc fora (including ICC, GMAA and others).

Illustrative cases include:

- As counsel in a dispute concerning disclosure of commission rights between a business and finance development agent in the Middle East and the US commercial entity seeking finance and venture capital investment with regard to eventual IPO.
- As counsel for the buyer in a complex USD 25 million technical dispute concerning shipment and supply of fuel and source material for an Imperial Smelting Plant.
- As counsel in a multi-million Euro joint venture dispute between international ferry operators.
- As counsel in a multi-million dollar commission dispute between a South American business procurement agent and a Scandinavian oil & gas service provider.
- As counsel for a billionaire US investor in a joint venture dispute with an Irish superyacht operator.
- As leading counsel (leading Andrew Leung of Quadrant Chambers) in a USD20 million arbitration regarding the construction of a very high profile Offshore Support/Emergency Towing Vessel.
- As leading counsel (leading Christopher Jay and Tom Bird of Quadrant Chambers) in a complex USD 35 million shipbuilding dispute.
- As counsel for a shipyard against the buyer in a complex USD35 million shipbuilding dispute involving issues of unlawful conduct.
- As counsel for a US superyacht manufacturer in a US\$20 million construction dispute with a Chinese buyer.
- As counsel for a US superyacht manufacturer in a USD 34 million construction dispute with a Russian buyer.
- Representing one of the world's largest commodity trading houses in a high-value claim involving the theft of oil commodities, and associated freezing order relief, jurisdictional issues, and associated litigation strategies.
- Representing a substantial Indian trading entity in multiple high-value commercial disputes arising in relation to the international sale and purchase of bulk commodities, and associated issues of financing, foreign exchange control legislation, frustration and force majeure.
- Representing a substantial Swiss oil and gas commodity trading entity in multiple high-value commercial LCIA disputes arising in relation to the international sale and purchase of oil commodities, and associated issues of force majeure and arbitral jurisdiction.
- Representing the charterers/disponent owners in a complex back-to-back charterparty dispute (in which the relief claimed total over US\$110,000,000) raising difficult questions of vessel identity, and claims in deceit.
- Representing the owners of a number of vessels time chartered to a Chinese entity which defaulted on its hire obligations (to the extent of approximately US\$30,000,000 in total) and then sought insolvency protection under the Cross-Border Insolvency Regulations. The owners initially sought recovery from the charterer, and then sought recovery under letters of guarantee issued by the charterer's Chinese parent company. The claims under the letters of guarantee give rise to questions relating to the nature and enforceability of the guarantee as a matter of English and Chinese law.
- *The VOC Gallant (Bulk & Metal Transport (UK) LLP v Voc Bulk Ultra Handymax Pool LLC)*[2009] 2 All E.R. (Comm) 377; [2009] 1 Lloyd's Rep. 418 (Comm. Ct.): a dispute concerning the requirements for the valid

commencement of arbitration under the Arbitration Act 1996.

Insurance

Nevil has a wealth of experience with regard to matters of insurance and reinsurance, especially on the marine side. His knowledge and expertise extends to cover on many of the standard forms, and includes corporate, mutual and Lloyd's Market syndicated cover.

Over the last 20 years Nevil has dealt with a huge variety of insurance disputes, involving a multitude of issues, including matters of scope of cover, co-insurance, commission and the obligations of an assured under the Marine Insurance Act 1906. He is the co-author of Butterworths Commercial Court & Arbitration Pleadings (Chapter 5, Marine Insurance).

Illustrative cases include:

- Advising an assured upon a multi-million dollar dispute as to the true and proper construction and effect of a deductible provision in an Offshore Construction Insurance Policy.
- Advising the charterers of a number of off-shore ice tugs in relation to a multi-million dollar dispute concerning the effect of co-insurance provisions as regards ice damage to the tugs and liability under the Supplytime 89 form.
- Advising a well-known ship finance bank upon the effect of its rights as a co-insured under a ship finance agreement and associated contracts.
- *Bayview v Mitsui* [2003] 1 Lloyd's Rep. 131 (CA): marine insurance; Institute Cargo Clauses; exception of "seizure".
- *The Lydia Flag (Martin Maritime Ltd v Provident Capital Indemnity Fund Ltd)* [1998] 2 Lloyd's Rep. 652 (Comm. Ct.): unseaworthiness in marine insurance.

Commercial Dispute Resolution

Nevil is a popular choice as Counsel for large-scale commercial litigation. His experience encompasses a wide range of commercial disputes, and he has a wealth of expertise concerning substantive and interlocutory relief before the Commercial Court.

In the latter regard, Nevil is experienced in obtaining Freezing Orders, Anti-Suit Injunctions, Orders for the Sale, and associated injunctive and other security relief. He is also well-known for his knowledge and expertise with respect to jurisdictional issues.

Illustrative cases include:

- As counsel in a substantial dispute involving enforceability of penalty provisions, relief against forfeiture, and effect of foreign laws.
- As counsel in a dispute concerning disclosure of commission rights between a business and finance development agent in the Middle East and the US commercial entity seeking finance and venture capital investment with regard to eventual IPO.
- As counsel for the buyer in a complex USD 25 million technical dispute concerning shipment and supply of fuel and source material for an Imperial Smelting Plant.
- As counsel in a multi-million Euro joint venture dispute between international ferry operators.
- As counsel in a multi-million dollar commission dispute between a South American business procurement agent and a Scandinavian oil & gas service provider.
- As counsel in a multi-million dollar private loan dispute between two Far Eastern businessmen.
- As counsel for a billionaire US investor in a joint venture dispute with an Irish superyacht operator.
- Appearing in the Court of Appeal for a party seeking orders for payment-in of unpaid multi-million dollar judgment sums, and for security for the costs of an appeal.
- Advising upon the enforceability and effect of guarantees issued by foreign entities (especially in China); and also advising upon the effect and enforceability of foreign judgments, and associated issues of res judicata/estoppel and beneficial multi-jurisdictional litigation and injunctive strategies.
- Advising multiple UK and overseas entities upon the effect of their trade in the context of EU Sanctions against Iran.
- Representing one of the world's largest commodity trading houses in a high-value claim involving the theft of oil commodities, and associated freezing order relief, jurisdictional issues, and associated litigation strategies.

- Representing a substantial Indian trading entity in multiple high-value commercial disputes arising in relation to the international sale and purchase of bulk commodities, and associated issues of financing, foreign exchange control legislation, frustration and force majeure.
- Advising a significant Iranian entity with regard to the recovery of sums due by way of an admitted debt from a major international insurance broker in circumstances where, despite approval for payment from HM Treasury (for the purposes of EU and UK sanctions), the broker's clearing bank declined to make payment to any Iranian entity.
- Advising a substantial UK freight forwarder as to its rights of lien and stoppage in transit (and their interaction with rights claimed by administrators/receivers/insolvency practitioners) over goods in possession following the collapse into insolvency of a number of well-known high street retailers.
- As counsel in complex cases concerning issues of bailment and the interaction of standard terms (e.g. *Matrix Europe Ltd v Uniserve Holdings Ltd* [2009] EWHC 919 (Comm)).

Fraud

Nevil has considerable experience with regard to advising and representing clients in cases involving aspects of commercial fraud.

Illustrative cases include:

- As counsel for a shipyard against the buyer in a complex USD35 million shipbuilding dispute involving issues of unlawful conduct.
- Representing one of the world's largest commodity trading houses in a high-value claim involving the theft of oil commodities, and associated freezing order relief, jurisdictional issues, and associated litigation strategies.
- Representing the owners of a number of vessels let on time charter to a defaulting overseas charterer, in a dispute giving rise to delicate questions of service, jurisdiction, and fraud.
- Acting for a well-known national and international carrier by road with respect to a large-scale dispute with an area sub-contractor, raising issues of fraud, breach of contract, and the measure of loss.
- Representing the charterers/disponent owners in a complex back-to-back charterparty dispute (in which the relief claimed total over US\$110,000,000) raising difficult questions of vessel identity, and claims in deceit.
- Advising a major overseas shipowner as to the possibility of piercing the corporate veil and pursuing the alleged alter ego of a failed corporate charterer following the obtaining of an arbitration award against the latter.

Energy

Nevil has substantial experience in the field of energy and natural resources.

Illustrative cases include:

- *Addax v Arcadia* [2000] 1 Lloyd's Rep. 493 (Com. Ct.): a dispute concerning a contract of carriage of oil, giving rise to questions as to the measure of damages and the effect of hedging.

Nevil also has experience in downstream disputes and an extensive knowledge of issues arising in the context of disputes concerning renewable energy.

Banking

Nevil is well regarded for his experience and expertise in the area of ship and marine finance. Over the past two decades he has acted for a number of the world's leading marine finance houses and lenders and for mortgagor shipowners in disputes relating to marine and ship finance. His experience extends to a detailed knowledge of the law of assignment and related contractual and insurance issues, including the effect of sanctions. He also has a wealth of experience of associated insolvency issues, especially under the Cross-Border Insolvency Regulations, often having worked in tandem with specialist insolvency and/or tax/regulation Counsel.

Illustrative cases include:

- Advising a significant Iranian entity with regard to the recovery of sums due by way of an admitted debt from a major international insurance broker in circumstances where, despite approval for payment from HM Treasury (for the purposes of EU and UK sanctions), the broker's clearing bank declined to make payment to any Iranian entity.

- Advising a substantial UK freight forwarder as to its rights of lien and stoppage in transit (and their interaction with rights claimed by administrators/receivers/insolvency practitioners) over goods in possession following the collapse into insolvency of a number of well-known high street retailers.
- Acting as an expert witness in insolvency proceedings before a foreign court on the issue of the nature and effect (under English law) of contracts of indemnity and guarantee.
- Acting for a well-known private bank in a multi-million Euro dispute concerning the funding of a superyacht, raising complex issues of jurisdiction and liability.
- *Arbuthnot Latham & Co Ltd v M3 Marine Ltd* [2014] 1 W.L.R. 190; [2013] 2 Lloyd's Rep. 307 (Comm. Ct.): multi-million Euro dispute concerning the funding of a superyacht, raising complex issues of jurisdiction and liability; time of seisin under Judgments Convention

Alternative Dispute Resolution

Nevil has significant mediation experience, having assisted in the preparation for, and having attended, a large number of formal mediations. His expertise extends to the preparation of formal mediation position statements; advising on merits, quantum, strategy, and tactics; attendance and presentation of a client's position at mediation; attendance and presentation of a client's position at closed sessions within mediation; and negotiation.

Illustrative cases include:

- Attendance and presentation of client positions at substantial multi-partite formal mediations.
- Preparation of mediation position statements in a number of high-value commercial disputes.
- Advising on quantum, strategy, tactics and settlement offers in a large number of Commercial Court and arbitration claims.

Practice & Procedure

Nevil has a wealth of experience with regard to matters of practice and procedure, and is well-known for the depth of his knowledge and expertise of the Civil Procedure Rules and associated issues of litigation and arbitral procedure, especially as regards interlocutory relief and allied questions of jurisdiction, service, and judgment.

In the latter regard, Nevil is very experienced in obtaining Freezing Orders, Anti-Suit Injunctions, Orders for the Sale, and associated injunctive relief. He is also well-regarded for his knowledge and expertise with respect to jurisdictional and sovereign immunity issues.

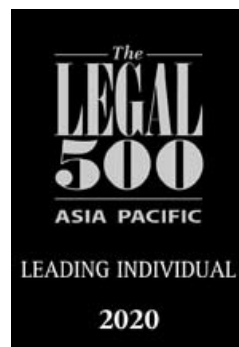
Nevil's recent work includes:

- Appearing in the Court of Appeal for a party seeking orders for payment-in of unpaid multi-million dollar judgment sums, and for security for the costs of an appeal.
- Devising a workable and effective default-judgment procedure in the context of a claim for interpleader relief.
- Advising in a variety of cases upon complex litigation and/or arbitral strategies in order to achieve effective outcomes with a minimum of delay and expense.
- Advising in relation to the interaction between the CPR provisions relating to acknowledgment of service, challenging jurisdiction, default judgment, and the service of Particulars of Claim in a multi-million dollar charterparty dispute.
- Advising in relation to applicable procedures for the obtaining of judgment in default in a multi-million dollar charterparty dispute.
- Advising a well-known private bank as to the effect of the Arrest Convention 1952 and its interaction with the Judgments Convention for the purposes of establishing priority of jurisdiction (and associated questions of service and jurisdiction) in relation to a ship finance dispute relating to a superyacht.

Academic

B.A. (Hons), Dip. Law., LL.M, of Gray's Inn and The Middle Temple, Barrister

Ranking



Publications

Merchant Shipping Act 1995: An Annotated Guide, Informa Professional, 1st and 2nd Ed.

Butterworths Commercial Court & Arbitration Pleadings (Chapter 5, Marine Insurance).

The Law of Tug and Tow and of Allied Contracts (1st Ed. & 2nd Ed., contributor: Towage and Salvage).

Serial Premature Redelivery Under a Time Charterparty: The Approach to Damages in an Available Market (S. & T.I. 2011, 8(3), 8-13)

Recent Authority Of Particular Relevance In The Fields Of International Trade And Transport: Dangerous Cargo (International Trade and Transport Law Newsletter, December 2009)

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