



Saira Paruk

Called: 2004

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Saira has a broad commercial practice with particular experience in shipping, commodities and international trade. She regularly appears in the Commercial Court and in arbitration, both as sole and junior counsel.

Saira is consistently ranked as a leading junior barrister in the directories, where she has been described as “insightful, knowledgeable, persuasive, excellent on her feet”.

Saira’s recent reported cases include:

- *QBE Europe SA/NV v Generali Espana de Seguros y Reaseguros* [2022] EWHC 2062 (Comm) – resisting an anti-suit injunction
- *Robertson v Bembridge Harbour Improvements Co Ltd* [2021] EWHC 1025: 3-day commercial court trial successfully representing the claimants as sole counsel. The dispute concerned the submerging of an unmanned pleasure craft while moored in a harbour.
- *Clearlake Shipping v Privocean Shipping* [2018] EWHC 2460 (Comm) – Saira acted as junior counsel (led by David Goldstone QC) in successfully defending a section 69 Arbitration Act 1996 appeal concerning the interpretation of COGSA section 4(2). The issue was what amounts to “management of the vessel”?
- *MT “Cape Bonny” Tankschiffahrts v. Ping an Property* [2017] EWHC 3036 (Comm) - Junior (led by Robert Bright QC) acting for Owners in their general average claim against cargo owners. The case turned on whether Owners’ lack of due diligence could be proven and involved expert evidence on engineering issues as well as technical ship management matters.
- *Polaris Shipping Co Ltd v Sinoriches Enterprises Co Ltd (The “Ocean Virgo”)* [2015] EWHC 3405 (Comm) – acting as sole counsel successfully appealing an arbitration award
- *Carlos Soto SAU v AP Moller-Maersk A/S (The SFL Hawk)* [2015] EWHC 458 (Comm) - as sole counsel in a Commercial Court trial.

What the directories say

- *“Saira is insightful, knowledgeable, persuasive, excellent on her feet and an absolute pleasure to deal with.”* (Chambers UK, 2024)
- *“Saira is clear on the law, excellent in advocacy and adjusts her style to meet the opposition well.”* (Chambers UK, 2024)
- *“Saira is hard-working and likeable with a strong eye for detail.”* (Chambers UK, 2024)
- *“Saira is a clear thinker and good on her feet, and her ability to draw out the evidence is impressive.”* (Legal 500, 2024)
- *“Saira provides clear, comprehensive advice and guidance on complex matters.”* (Chambers UK, 2023)

- *"Saira is bright, has excellent attention to detail, is commercial and is brilliant to work with."*(Chambers UK, 2023)
- *"Saira is very approachable and user-friendly, balancing knowledge of the law with commercial awareness and understanding."* (Legal 500 Asia Pacific, 2023)
- *"Very thorough and hard-working with no stone left unturned. Intelligent and persuasive on paper and on her feet."*(Legal 500, 2023)
- *"She is very bright and is able to get up to speed quickly on a complex application for permission to appeal."*(Legal 500 Asia Pacific, 2022)
- *"Saira is impressive on her feet. She gets her points across in a clever way."*(Chambers UK, 2022)
- *"Top-notch, always approachable and on hand to assist, and is measured and commercial in her approach."* (Legal 500, 2022)
- *"She is very bright, remains steadfastly calm under pressure, great on her feet and very pleasant to work with."* (Legal 500 Asia Pacific, 2021)
- *"Her advice is always commercial and reflects the client's needs."*(Legal 500, 2021)
- *"Effective at holding a court's attention. She goes the extra mile to get to the bottom of an issue and fight the client's corner."*(Legal 500 Asia Pacific, 2020)
- *"She is beautifully eloquent and extremely firm in her pleadings."*(Legal 500, 2020)
- *"She is good on her feet when under pressure."*(Legal 500, 2019)

Injunctions

Saira is regularly instructed to obtain or resist antisuit injunctions, freezing injunctions, and other forms of interlocutory relief, often on an emergency basis. Notable examples include:

- *QBE Europe SA/NV v Generali Espana de Seguros y Reaseguros* [2022] EWHC 2062 (Comm) – sole counsel, resisting a quasi-contractual anti-suit injunction to restrain proceedings brought in Spain for circa. €7 million that had been brought pursuant to a direct action statute, but which was held to enforce a right to an indemnity under an insurance policy containing a London arbitration agreement.
- *UAU v HVB* [2021] EWHC 1548 (Comm) – sole counsel, obtained an anti-suit injunction restraining proceedings brought in Equatorial Guinea in breach of an arbitration agreement. Contempt of court proceedings issued in support of the injunction obtained.
- *Specialised Vessel Services Ltd v MOP Marine Nigeria Ltd* [2021] EWHC 333 (Comm) – sole counsel, anti suit injunction obtained despite initial delays incurred in the bringing of the case.
- Currently advising in relation to a possible quasi-contractual anti suit injunction to restrain proceedings in Peru.

Shipping

Saira is recommended in Legal 500 UK as a leading junior for Shipping.

Dry shipping

Dry shipping work forms the core of Saira's practice. She has extensive experience of bill of lading and charterparty disputes, including unsafe port cases, claims for damage to and/or mis-delivery of cargo, 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:

- Instructed in an LMAA Arbitration in a claim concerning the application of the Interclub Agreement.
- Acting in an LMAA Arbitration in a speed and consumption dispute in which, as sole counsel, Saira successfully defended the preliminary issues.
- *Clearlake Shipping v Privocean Shipping* [2018] EWHC 2460 (Comm) – junior (led by David Goldstone QC) successfully defended a section 69 Arbitration Act 1996 appeal concerning the interpretation of COGSA section

4(2). The principal issue being what amounts to “management of the vessel”?

- Saira successfully brought an unsafe port claim in an LMAA arbitration, acting as sole counsel.
- *MT “Cape Bonny” Tankschiffahrts v. Ping an Property*[2017] EWHC 3036 (Comm) - Junior (led by Robert Bright QC) acting for Owners in their general average claim against cargo owners. The case turned on whether the Owners’ lack of due diligence could be proven and involved expert evidence on engineering issues as well as technical ship management matters.
- *Polaris Shipping Co Ltd v Sinoriches Enterprises Co Ltd (The “Ocean Virgo”)*[2015] EWHC 3405 (Comm) where she successfully appeared as sole counsel in the appeal of an arbitration award concerning a speed and consumption claim.
- *Carlos Soto SAU v AP Moller-Maersk A/S (“The SFL Hawk”)* [2015] EWHC 458 as sole counsel in a Commercial Court trial arising out of damage to a cargo of frozen fish.
- *Glencore Energy (UK) Ltd v Sonol Israel Ltd* [2011] EWHC 2756 (Comm) where Saira successfully appeared as sole counsel in a strike out application in which Beatson J considered the proper construction of a demurrage provision in a contract of sale.
- *Enviroco Ltd v Farstad Supply A/S* [2011] UKSC 16 – junior to Poonam Melwani QC in a case concerning the proper construction of exemption and indemnity provisions in a charterparty providing for risk allocation as between groups of companies and their affiliates.
- Junior counsel (led by Nigel Jacobs QC) in a dangerous cargo claim.
- Solely instructed in a deadfreight and demurrage arbitration claim. Successfully determined on a documents-alone basis.
- An arbitration claim in respect of a bunker quality dispute.
- Acting for shipowners in their US\$3million claim against shipbrokers for negligent misstatement.
- Advising in and acting for head-owners in a hire claim involving liens over sub-hire.
- Acting as sole counsel for a port in a claim arising out of an oil spill.
- Advising the Metropolitan Police in relation to duties and obligations of security staff on vessels employed on the River Thames.

Wet shipping

Saira has considerable experience of general average disputes and arrests. She is currently solely instructed in various admiralty claims in rem and limitation claims.

Saira has recently been led by Nigel Cooper QC in a collision claim and by Jeremy Russell QC in a substantial salvage arbitration.

International Arbitration

Saira has significant experience of arbitrations across a range of maritime, commercial and international trade disputes (ICC, LCIA and LMAA). She also has extensive experience of drafting submissions and assisting in the presentation of claims made under GAFTA and FOSFA rules. Illustrative cases include:

- Recently appeared in an LCIA commodities arbitration as sole counsel in relation to the provision of fuel and storage.
- Saira successfully brought an unsafe port claim in an LMAA arbitration, acting as sole counsel.
- Currently acting as sole counsel in two linked LMAA references concerning speed and performance.

Saira has also been instructed in a number of cases concerning applications to Court under the 1996 Act, including challenges to arbitration awards and in relation to the appointment and removal of arbitrators. Such cases include:

- *Polaris Shipping Co Ltd v Sinoriches Enterprises Co Ltd (The “Ocean Virgo”)*[2015] EWHC 3405 (Comm) where she successfully appeared as sole counsel in the appeal of an arbitration award concerning a speed and consumption claim.
- *Crowther & Another v Rayment & Another* [2015] EWHC 427 (Ch) where she, acting as sole counsel, successfully resisted the appointment of an arbitrator.

Commodities & International Trade

Saira has experience of all kinds of commodities and international trade work. Her practice encompasses a full range of international trade and commodities disputes, including international sales (CIF, FOB, CFR etc), futures, hedging and involvement at all levels in arbitrations (and related appeals) under institutional rules such as GAFTA, FOSFA and many

more. She is currently instructed as sole counsel in several LCIA arbitrations concerning the sale and purchase of commodities and/or the provision of services.

Shipbuilding

Saira's practice includes shipbuilding disputes including the construction of yachts, super-yachts and tankers. She is currently instructed in relation to various shipbuilding disputes acting for both buyers and yards. She has considerable experience of drafting detailed pleadings in complex shipbuilding cases and advising in relation to a full spectrum of legal and practical issues in this area of work, in particular, contractual claims arising out of the common standard forms, e.g. guarantee claims, late delivery claims, repudiatory breach claims and claims involving the prevention principle.

Saira is currently instructed as junior counsel (led by Simon Rainey QC) in a guarantee and latent defect claim relating to an LNG Carrier.

Insurance

Saira has extensive experience of insurance matters covering both marine and non-marine policies. Examples of recent and ongoing matters include:

- *Rosgosstrakh Ltd v Yapi Kredi Finansal Kiralama AO* [2017] EWHC 3377 (Comm). Saira represented the Claimant in this claim by insurers for sums due from the assured under a policy of marine insurance pending the avoidance thereof by the insurers. The issues arising include whether the policy was a joint or composite policy and/or whether or not the broker had authority to bind the Defendant to the policy. In the first instance, Saira successfully represented the Claimant in a half-day Commercial Court hearing to determine whether or not the Claimant should be entitled to amend the Claim Form after expiry of a limitation period.
- *Navigators Insurance Company v Alkahtani Jlawi Mohammed & Another* [2015] EWHC 1137 (Comm) Saira acted as sole counsel in a jurisdiction challenge.
- *Aizkir Navigation Inc. v Al Wathba National Insurance Co.* [2011] EWHC 3940 (Comm) – Saira successfully acted (solely) for insurers in a jurisdictional challenge in a US\$2 million marine insurance dispute.
- Saira advised and acted for insurers in the High Court in a marine insurance dispute alleging fraud, involving complex expert forensic evidence.
- Saira has also recently advised in relation to a reinsurance coverage dispute and continues to advise and act for insurers in a range of subrogated claims.

Commercial Dispute Resolution

Saira undertakes a wide range of general commercial work, with a particular emphasis on contractual disputes. Such disputes often raise issues of construction, misrepresentation and agency. Recent and ongoing cases include:

- *Corporate Oil and Gas Ltd v Marshall Aviation Services Ltd* [2015] EWHC 3447 (Comm) – in which Saira acted as junior counsel, led by John Passmore QC. The case concerned whether a “gentlemen's agreement” should be upheld so as to override a contractual discount contained in a contract for the repair and maintenance of a private jet.
- *Crowther & Another v Rayment & Another* [2015] EWHC 427 (Ch) where she, acting as sole counsel, successfully resisted the appointment of an arbitrator.
- *Enviroco Ltd v Farstad Supply A/S* [2011] UKSC 16 as junior to Poonam Melwani QC - a complex case which reached the Supreme Court concerning the subsidiary/holding company definitions in the Companies Act legislation and affecting diverse commercial and employment contracts, and risk allocation clauses, utilising those definitions. The anomalies exposed by the case have caused practitioners to amend their boilerplate definitions and may lead to Parliamentary amendments of the Companies Act.
- *Aizkir Navigation Inc. v Al Wathba National Insurance Co.* [2011] EWHC 3940 (Comm) – Saira successfully acted (solely) for insurers in relation to a jurisdictional challenge in a US\$2 million marine insurance dispute.
- *Linsen International v Humpuss Sea Transport & others* [2011] EWHC 2339 (Comm) – Led by Michael Howard QC, this case concerned piercing the corporate veil and Chabra injunctions.
- Saira successfully obtained an injunction in relation to the recovery of unpaid solicitors' fees.
- Saira was instructed as junior to Guy Blackwood in a case where third party debt orders have been obtained and which raises issues of state immunity.

Digital and crypto-currencies

Saira has experience of advising on and acting in disputes involving crypto currency platforms, structures and trading. In particular, led by David Goldstone QC, she acted on behalf of a major global crypto-platform in one of the first legal disputes over the ownership of a substantial number of bitcoin. The dispute, governed by BVI law, raised issues of fraud, the contractual and tortious duties of care owed by the platform, and the enforceability of trades.

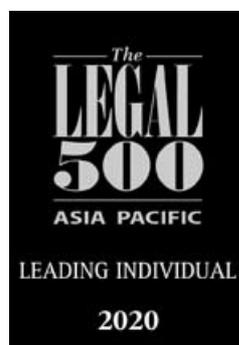
Academic

MA (Oxon) Law with French Law; Dip. French Law (Paris II); BCL

Awards

Thomas More and Hardwicke Scholarships.

Ranking



Other qualifications

Called to the Bar of the British Virgin Islands (2020)

Publications

2006 to date: Chartered Insurance Institute Fact File, "The FOS and General Insurance";. First published June 2006, updated quarterly. 2004-2005: Associate Editor, Oxford University Commonwealth Law Journal.

Presentations

Saira regularly lectures on topics related to her practice.

Memberships

COMBAR
LMAA
YIAG