



Andrew Leung

Called: 2010

Email: andrew.leung@quadrantchambers.com

Andrew is regarded as "*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). 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 experience includes:

- *VTB Commodities Trading v Antipinsky Refinery (Petraco Oil Company SA intervening)* (see e.g. [2020] EWHC 72 (Comm)) (led by Simon Rainey QC and Louis Flannery QC), proceedings involving allegations of fraudulent double-selling and diversion of oil cargoes, with claims and counterclaims worth c.US\$90m.
- *Classic Maritime v Limbungan* [2019] EWCA Civ 1102 (with Simon Rainey QC), 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)).
- 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 QC and Christopher Smith).

What the directories say

- "*Good at grasping the issues and working with heavy litigation involving a huge range of technical information.*" (Legal 500 Asia Pacific, 2020)
- "*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)
- "*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

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:

- *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.
- Instructed 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 QC).
- *Classic Maritime v Limbungan* [2018] EWHC 2389 (Comm), a 2-week Commercial Court trial in which Andrew (led by Simon Rainey QC) 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 QC). 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

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:

- **ICC Arbitration** (2017-2018): 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. Award awaited.
- **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

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.

- ***Classic Maritime v Limbungan*** [2018] EWHC 2389 (Comm), a 2-week Commercial Court trial in which Andrew (led by Simon Rainey QC) 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 Arbitration** (2018-2019): acting for the owners in a dispute arising out of the loss of wind turbines overboard during heavy weather (with Luke Parsons QC).
- **LMAA Arbitration** (2019): acting for the charterers in a dispute regarding liability for voyage / berthing delays and damage to the vessel allegedly caused by stowaways.
- **LMAA Arbitration** (2018-2019): acting for the owners in a dispute as to whether a vessel was prevented from becoming an arrived ship by reason of the charterers' failure to provide cargo documentation necessary to enable the vessel to berth.
- **LMAA Arbitration** (2018): acted for the charterers in a dispute arising out of alleged iron ore liquefaction.
- **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 QC).
- **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 QC and Tim Hill QC).
- **LCIA Arbitration** (2016): dispute concerning allocation of risk for berthing delays in the Port of Barcelona.
- **STX Offshore & Shipbuilding Co. Ltd v Kaptanoglu** [2015]: dispute arising out of ship finance guarantees involving allegations of estoppel by convention (with John Kimbell QC).
- **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 QC).
- **LMAA Arbitration** (2015): Appeared with Luke Parsons QC 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.
- **LMAA Arbitration** (2014): Acted for Owners in a demurrage / cargo shortage dispute. Owners obtained partial award rejecting Charterers' defence of set-off and ordering payment of demurrage following hearing; successfully resisted section 69 appeal.

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.

- ***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:

- **ICC Arbitration** (2017-2018): 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. Award awaited.
- *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.
- **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.
- **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 QC). 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 QC). 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

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

Illustrative cases include:

- **ICC Arbitration** (2017-2018): 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. Award awaited.
- **LCIA Arbitration** (2016): dispute arising out of the large-scale refurbishment of an FPSO (with Simon Rainey QC, David Thomas QC and Christopher Smith).
- **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).
- **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 QC)
- **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 QC).
- **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 QC).

- **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 QC).
- **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

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

- **Classic Maritime v Limbungan** [2018] EWHC 2389 (Comm), a 2-week Commercial Court trial in which Andrew (led by Simon Rainey QC) 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 QC). 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 QC).
- **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 QC).

Insurance

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 QC) 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 QC).
- 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 QC). 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

Illustrative cases include:

- *STX Offshore & Shipbuilding Co. Ltd v Kaptanoglu*: dispute arising out of ship finance guarantees involving allegations of estoppel by convention (with John Kimbell QC).
- *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 misselling 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

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

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:

- *V v A* [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 QC): 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 QC 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

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



Other qualifications

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)