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Andrew Carruth

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Andrew undertakes a broad range of commercial work with an emphasis on shipping, offshore construction, international arbitration, energy and commodities.

Andrew regularly appears in the High Court (primarily in the Commercial Court and the Admiralty Court) as well as in arbitrations. He has extensive experience of cross-examining both factual and expert witnesses. He has undertaken cases under all of the main arbitral rules (including LCIA, ICC, LMAA, UNCITRAL, SIAC, HKIAC and GAFTA).

Andrew was appointed a Recorder in May 2023.

Notable recent cases include:

- *The 'Ever Given'* [2023] EWHC 697 (Admlty) - a salvage claim arising out of the grounding of an Ultra Large Container Vessel in the Suez Canal. The Admiralty Court held that no contract was concluded for the salvage services, so a claim can be pursued under the International Convention on Salvage 1989.
- *Tata Consulting Services v Disclosure and Barring Service* (ongoing) – noted in The Lawyer as one of the top 20 cases of 2023 - An IT dispute worth approximately £200 million concerning such issues as delay to the project and the contractual compliance of the IT system developed. An 8-week trial in the TCC took place in late 2023.
- *Arbitration* (ongoing) – a case involving the termination of numerous shipbuilding contracts for repudiatory/renunciatory breach by the builder.
- *Admiralty Court Case* (ongoing) – a multi-party collision action involving a collision in a traffic separation scheme in the Singapore Straits.
- *Admiralty Court Case* (ongoing) – a case concerning damage to subsea electrical cables said to have been caused by an anchor. The case involves issues of the law of negligence and the circumstances in which a duty of care will be owed to the owners of subsea infrastructure.
- *Admiralty Court Case* (ongoing) – sole counsel in a salvage claim involving a main engine failure in the River Elbe.
- *LMAA Arbitration* (2023) – one-week trial as sole counsel in an unsafe port case arising out of propeller damage caused by contact with ice.
- *The 'Wilforce' and The 'Western Moscow'* [2022] EWHC 1190 (Admlty) – a collision claim arising out of a collision between a bulk carrier and an LNG carrier in a 'Precautionary Area' of the Singapore Straits Traffic Separation Scheme.
- *LCIA Arbitration* (2022) – three-week trial relating to a project for the construction of an offshore platform to be deployed to a gas field in the Eastern Mediterranean. The case concerned delay and change order claims relating primarily to issues of acceleration and inefficiency.
- *LMAA Arbitration* (2022) – claim under a ten-year contract of affreightment and related voyage charterparties, involving hundreds of individual shipments of iron ore. The case involves issues including the interpretation of nomination procedures, "fairly evenly spread" provisions and *force majeure*.

What the directories say

- "Andrew is very clever, good at drafting and easy to work with." (Chambers UK, 2024)
- "Andrew provides very strong written advocacy and is able to get to the nub of issues." (Chambers UK, 2024)
- "Andrew is absolutely excellent." (Chambers UK, 2024)
- "Andrew offers client-friendly, pragmatic advice with a commercial focus." (Chambers UK, 2023)
- "He is approachable and very happy to roll his sleeves up and get amongst the detail when he needs to." (Chambers UK, 2023)
- "Andrew brings a maturity beyond his call to the matters that he works on." (Chambers UK, 2023)
- "An outstanding junior, very bright and hard-working, with great instincts." (Legal 500, 2023)
- "Andrew is knowledgeable, thorough and incredibly user-friendly." (Chambers UK, 2022)
- "He is very good at dealing with a lot of information and making sense of it." (Chambers UK, 2022)

Shipping

Dry Shipping

Andrew is a specialist in dry shipping. He has extensive experience of advising, drafting and advocacy in relation to claims under charterparties and bills of lading, both in court proceedings and in arbitrations.

Andrew's cases have concerned all areas of dry shipping, including cargo claims, freight and hire disputes, stowage issues, stevedore damage claims, dangerous cargo, unsafe ports, laytime and demurrage disputes, issues of delivery and re-delivery, bunker disputes and vessel speed and performance issues.

He has handled numerous arbitration claims, including appeals under s.69 of the Arbitration Act 1996, challenges under s.68 of the Act and applications for the appointment of arbitrators.

Andrew also has experience of cases involving the international carriage of goods by road under the CMR.

Illustrative cases include:

- *LMAA Arbitration* (ongoing) – two related arbitrations concerning the delivery and re-delivery condition of a vessel under two bareboat charterparties.
- *Arbitration* (ongoing) – a case involving the termination of numerous shipbuilding contracts for repudiatory/renunciatory breach by the builder.
- *LMAA Arbitration* (ongoing) – an unsafe port case arising out of propeller damage caused by contact with ice.
- *LMAA Arbitration* (2022) – one-week trial in a case involving the termination of six long-term time charterparties for oil tankers.
- *LMAA Arbitration* (2022) – claim under a ten-year contract of affreightment and related voyage charterparties, involving hundreds of individual shipments of iron ore. The case involved issues including the interpretation of nomination procedures, "fairly evenly spread" provisions and *force majeure*.
- *LMAA Arbitration* (2021) – one week trial concerning a dispute under an MoA for the sale of an Aframax oil tanker. The case concerned issues including the legal nature of a deposit, the interpretation of the MoA, mitigation, ship valuation and estoppel by convention.
- *The 'Muammer Yagci'* [2018] EWHC 3873 (Comm) – a section 69 appeal concerning the meaning of the phrase "government interferences" in the Sugar Charter Party 1999 and whether a seizure of cargo by customs authorities at the discharge port falls within that phrase.
- *The 'Baltic Strait'* [2018] EWHC 629 (Comm) – a section 69 appeal concerning the interpretation of section 2(4) of the Carriage of Goods by Sea Act 1992 and whether a receiver of damaged goods can recover full damages despite having had no proprietary or possessory interest in them at the time of damage.
- *LMAA Arbitration* (2018) – a claim concerning a stowage collapse which caused damage to both the cargo and the vessel. The central dispute was whether the collapse resulted from poor stowage or defective tween deck pontoons.
- *LMAA Arbitration* (2017) – sole counsel for the successful owners in a five-day arbitration concerning a claim for damage to vessels and unpaid hire in the amount of US\$2.3m. The case raised issues about conditions precedent to re-delivery, indemnities, liquidated damages and mitigation.
- *LMAA Arbitration* (2017) – a claim under a guarantee for unpaid hire of over US\$20m. The case raised issues as to the circumstances in which a guarantor will be discharged by virtue of variations to the underlying contract.
- *LMAA Arbitration* (2015) – a case concerning delay to a voyage resulting from a collision with an unknown object. The case involved issues including unseaworthiness, negligent navigation, reasonable despatch, remoteness of damage and wrongful arrest.
- *High Court Case* (2015) – sole counsel in a High Court case involving a claim for demurrage and damages for repudiatory breach of a voyage charterparty.

- *LMAA Arbitration* (2015) – a stevedore damage claim.
- *High Court Case* (2015) – an interpleader (or 'stakeholder') claim arising out of a freight and demurrage dispute worth US\$2.25m. The dispute raised issues relating to the exercise of liens over cargo and sub-freight, as well as the right to intercept bill of lading freight.

Wet Shipping

Andrew has significant experience of wet shipping disputes, including collision actions and LOF salvage arbitrations. He appears regularly in the Admiralty Court.

Illustrative cases include:

- *The 'Ever Given'* [2023] EWHC 697 (Admlty) - a salvage claim arising out of the grounding of an Ultra Large Container Vessel in the Suez Canal. The Admiralty Court held that no contract was concluded for the salvage services, so a claim can be pursued under the International Convention on Salvage 1989.
- *Admiralty Court Case* (ongoing) – a multi-party collision action involving a collision in a traffic separation scheme in the Singapore Straits.
- *Admiralty Court Case* (ongoing) – a case concerning damage to subsea electrical cables said to have been caused by an anchor. The case involves issues of the law of negligence and the circumstances in which a duty of care will be owed to the owners of subsea infrastructure.
- *Admiralty Court Case* (ongoing) – sole counsel in a salvage claim involving a main engine failure in the River Mersey.
- *Admiralty Court Case* (ongoing) – sole counsel in a salvage claim involving a main engine failure in the River Elbe.
- *Admiralty Court Case* (ongoing)
- *The 'Wilforce' and The 'Western Moscow'* [2022] EWHC 1190 (Admlty) – a collision claim arising out of a collision between a bulk carrier and an LNG carrier in a 'Precautionary Area' of the Singapore Straits Traffic Separation Scheme.
- *MAERSK HONAM* (LOF Arbitration 2021) – a salvage arbitration arising out of a serious container ship fire in 2018, leading to the loss of lives and destruction of the forward part of the ship.
- *CSCL JUPITER* (LOF Arbitration 2020) – a salvage arbitration arising out of the grounding of a container ship in the Scheldt River.
- *High Court Case* (2018) – a claim for £40m of damage to a subsea pipeline caused by a vessel's anchor.
- *The 'Nordlake' v The 'Seaeagle'* [2015] EWHC 3605 (Admlty) – a collision action involving the apportionment of liability between multiple vessels, arising out of a collision in 2011 and the sinking of the frigate INS VindhyaGiri.
- *Ad Hoc Arbitration* (2017) – a claim for amounts owed under a salvage contract on Wreckhire 2010 terms.
- *Ad Hoc Arbitration* (2016) – a claim for amounts owed by a contractor to a sub-contractor under a salvage contract on Wreckfixed 2010 terms.

Commercial Dispute Resolution

Andrew undertakes a significant amount of general commercial litigation both in court and in arbitration. He also routinely provides advice and drafts statements of case in relation to such disputes.

Andrew's previous cases in this area have involved a diverse range of issues, including: disputes arising out of joint venture agreements; claims relating to the sale and supply of goods and services; claims relating to financial instruments such as swaps and "give-up" agreements; fraud claims; claims relating to the storage of goods; claims for unpaid fees; and claims for breach of settlement agreements. He routinely handles cases involving a diverse range of causes of action such as breach of contract, misrepresentation, negligence, conversion, bailment, unjust enrichment, conspiracy and other economic torts.

Illustrative cases include:

- *Tata Consulting Services v Disclosure and Barring Service* (ongoing) - noted in The Lawyer as one of the top 20 cases of 2023. An IT dispute worth approximately £200 million concerning such issues as delay to the project and the contractual compliance of the IT system developed. An 8-week trial in the TCC took place in late 2023.
- *Arbitration* (ongoing) – a case involving the termination of numerous shipbuilding contracts for repudiatory/renunciatory breach by the builder.
- *UNCITRAL Arbitration* (2020) – a case concerning the termination of an off-take agreement for Low Density Ammonium Nitrate.
- *LCIA Arbitration* (2020) – sole counsel in a trial concerning alleged breaches of a joint venture agreement.

- *High Court Case* (2021) – sole counsel in a claim for breach of a commission agreement.
- *BB Energy (Gulf) DMCC v Al Amoudi & ors* [2018] EWHC 2595 (Comm) – counsel for the successful respondent in an application for a stay of English proceedings against the directors of an insolvent company. The stay was sought in favour of insolvency proceedings in Morocco. The claim involves allegations of fraud and conspiracy against the directors.
- *High Court Case* (2018) – sole counsel in a claim for breach of a contract for the sale of an events business.
- *High Court Case* (2018) – acted for the claimant in a LIBOR manipulation case.
- *LMAA Arbitration* (2017) – a claim under a guarantee for over US\$20m. The case raised issues as to the circumstances in which a guarantor will be discharged by virtue of variations to the underlying contract.
- *UNCITRAL Arbitration* (2017) – a claim arising out of a joint venture for the production of lubricant base oils at a hydrocracker plant in Bahrain.
- *High Court Case* (2017) – claim for breach of a settlement agreement.
- *Mar-Train Heavy Haulage Ltd v Shipping, DK Chartering A/S* [2014] EWHC 355 (Comm) (as a pupil) – a case involving issues of agency and the conflict of laws.

International Arbitration

Andrew has acted in numerous large international arbitrations under a range of institutional rules including LCIA, ICC and UNCITRAL.

Notable cases include:

- *LCIA Arbitration* (2022) – three-week trial relating to a project for the construction of an offshore platform to be deployed to a gas field in the Eastern Mediterranean. The case concerned delay and change order claims relating primarily to issues of acceleration and inefficiency.
- *UNCITRAL Arbitration* (2020) – a case concerning the termination of an off-take agreement for Low Density Ammonium Nitrate.
- *LCIA Arbitration* (2020) – sole counsel in a trial concerning alleged breaches of a joint venture agreement.
- *LCIA Arbitration* (2020) – an arbitration concerning an FPSO conversion project which was substantially delayed and over-budget, resulting in a claim and counterclaim valued at more than US\$185 million.
- *ICC Arbitration* (2019) – an arbitration concerning a contract for engineering services relating to the construction of an FPU and allegedly defective Front-End Engineering Design.
- *UNCITRAL Arbitration* (2017) – a claim arising out of a joint venture for the production of lubricant base oils at a hydrocracker plant in Bahrain.

Energy & Offshore Construction

Andrew has experience of a range of energy and offshore construction disputes. His previous cases in this area have involved such matters as the construction and operation of oil rigs, gas rigs and FPSOs, damage to pipelines, FPSO off-take agreements, crude oil handling agreements, long-term supply contracts and the sale of hydrocarbons.

Illustrative cases include:

- *LCIA Arbitration* (2022) – three-week trial relating to a project for the construction of an offshore platform to be deployed to a gas field in the Eastern Mediterranean. The case concerned delay and change order claims relating primarily to issues of acceleration and inefficiency.
- *LMAA Arbitration* (2021) – a case concerning the construction of a series of semi-rigs, delays to delivery and defects in the rigs once delivered.
- *LCIA Arbitration* (2020) – an arbitration concerning an FPSO conversion project which was substantially delayed and over-budget, resulting in a claim and counterclaim valued at more than US\$185 million.
- *ICC Arbitration* (2019) – an arbitration concerning a contract for engineering services relating to the construction of an FPU and allegedly defective Front-End Engineering Design.
- *BB Energy (Gulf) DMCC v Al Amoudi & ors* [2018] EWHC 2595 (Comm) – a claim involving contracts for the sale of crude oil allegedly procured by fraud on the part of the directors of an insolvent oil company.
- *UNCITRAL Arbitration* (2017) – a claim arising out of a joint venture for the production of lubricant base oils at a hydrocracker plant in Bahrain.

Shipbuilding

Andrew has been involved in a number of disputes under shipbuilding contracts, especially cases concerning variations, defects, delay, disruption and termination.

Illustrative cases include:

- *Arbitration* (ongoing) – a case involving the termination of numerous shipbuilding contracts for repudiatory/renunciatory breach by the builder.
- *LMAA Arbitration* (2023) – claims involving the construction of polar vessels by a Chinese shipyard.
- *LCIA Arbitration* (2020) – an arbitration concerning an FPSO conversion project which was substantially delayed and over-budget, resulting in a claim and counterclaim valued at more than US\$185 million.
- *Ad Hoc Arbitration* (2020) – a claim concerning various breaches of a yacht construction agreement.
- *ICC Arbitration* (2019) – an arbitration concerning a contract for engineering services relating to the construction of an FPU and allegedly defective Front-End Engineering Design.
- *High Court Case* (2017) – an arbitration claim concerning the interpretation of the warranty provisions in five contracts for the construction of ships.
- *LMAA Arbitration* (2017) – a case concerning the construction of a series of vessels in China and rights of cancellation for delay.

Commodities & International Trade

Andrew routinely handles international trade cases, typically sales on FOB, CIF, C&F, FAS, or other such terms.

Andrew also has experience of cases involving the international carriage of goods by road under the CMR.

Illustrative cases include:

- *LMAA Arbitration* (ongoing) – claim under a ten-year contract of affreightment and related voyage charterparties, involving hundreds of individual shipments of iron ore. The case involves issues including the interpretation of nomination procedures, "fairly evenly spread" provisions and force majeure.
- *UNCITRAL Arbitration* (2020) – a case concerning the termination of an off-take agreement for Low Density Ammonium Nitrate.
- *UNCITRAL Arbitration* (2017) – a claim arising out of a joint venture for the production of lubricant base oils at a hydrocracker plant in Bahrain.

Insurance

Andrew has a general interest in insurance and marine insurance matters of all kinds and has been involved in a number of such cases. He also regularly advises on issues of policy interpretation.

Before joining Chambers, Andrew worked for a short time in the insurance industry. He has also spent time seconded to the legal team of a leading London insurer where he advised on matters of policy interpretation, claims and coverage issues.

Notable cases include:

- *Deleclass Shipping Co Ltd v Ingosstrakh Insurance Co Ltd* [2018] EWHC 1149 (Comm) – sole counsel in a claim for a constructive total loss under a policy of marine insurance.
- *High Court Case* (2018) – advising on the effect of a "pay to be paid" clause in a policy of marine insurance.
- *High Court Case* (2014) – a claim for €4m under a credit insurance policy.

Academic

LLB, King's College London (First Class)

LLM, UCL (Distinction)

BPTC, BPP Law School (Outstanding)

Awards

Inner Temple Pupils' Advocacy Prize

Inner Temple BPTC Performance Prize

Inner Temple Exhibition Award

Atkin Chambers Commercial Law Moot (Winner)

Ranking



Appointments

Recorder (May 2023)

Memberships

COMBAR

In-house Experience

Placement at a leading London shipping law firm (October 2014)

Seconded to a leading insurance company (February-March 2015 and February-March 2016)

Languages

German (intermediate)

French (basic)

Japanese (basic)