

# Alexander Wright

Call 2007



Alexander has a broad commercial dispute resolution practice across the breadth of Chambers' practice.

He is regularly instructed in the High Court (particularly the Commercial Court) and domestic and international arbitrations, whether as a sole advocate, leading junior, or as junior (or first junior) counsel in complex and high-value proceedings. He has appeared successfully as a sole advocate in the Court of Appeal. He often appears, either as a sole advocate or as a leader, against Leading Counsel.

Alexander's Asian practice has been recognised by his top ranking in *The Legal 500 Asia Pacific* as a leading English shipping barrister operating in the region. Alexander has expertise in:

- Shipping and Commodities
- Shipbuilding
- Energy and Offshore Construction
- Commercial Dispute Resolution
- Insurance / Reinsurance
- Professional Negligence
- Construction and Engineering

Alexander is a founding Committee member of the Young Maritime Professionals and has served on the Executive Committee of the Commercial Bar Association (COMBAR).

## Shipping & Commodities

Alexander has acted in many of the most important and substantial shipping disputes in recent years. He has considerable experience of disputes arising out of charterparties (time, voyage and bareboat), contracts of affreightment and bills of lading, ship sale MOAs, forward freight agreements (FFAs), the international sale and carriage of goods by sea and by road (CMR claims), and commodity sale and purchase agreements. He has acted for and against guarantors

within the shipping industry. He has experience of general average claims under the York-Antwerp Rules.

Alexander has also been instructed in a number of wet (Admiralty) matters, including arrests, collision and towage, marine insurance disputes, and has a niche practice in claims against ship managers.

Alexander has spent five months on secondment to a niche firm of shipping solicitors.

## Featured Shipping & Commodities cases

---

*Priminds Shipping (HK) Ltd v Noble Chartering Inc* (The “Tai Prize”) [2020] EWHC 127 (Comm) – successfully acting as sole counsel for charterers (against Leading Counsel) in an important decision concerning the extent of implied indemnities and warranties in a voyage charterparty. The matter will be proceeding to the Court of Appeal in or around January 2021

---

*Harmony Innovation Shipping Pte Ltd v Caravel Shipping Inc* (The “Universal Bremen”) [2020] 1 Lloyd’s Rep 206 – successfully acting as sole counsel for head owners (against Leading Counsel) in the leading case on interim injunctive relief under a standard form Letter of Indemnity for mis-delivery of cargo

---

*Silverburn Shipping Co IoM (Ltd) v Ark Shipping LLC* (The “Arctic”) [2019] 2 Lloyd’s Rep 603 (CA); [2019] 1 Lloyd’s Rep 554 (Carr J) – leading junior (acting against Leading Counsel) for the owners on this important case on the status of the obligation to maintain classification certificates in the context of the termination of a 15 year bareboat charterparty

---

The “CV Stealth” – a long running dispute concerning whether a bareboat charter had become frustrated as a result of the prolonged detention of the vessel by the Venezuelan authorities, and further claims arising out of that detention. In the context of that dispute, Alexander was instructed as sole counsel for the vessel’s head owners (acting against Leading Counsel) in *The “CV Stealth” (No 3)* [2018] 1 Lloyd’s Rep 308, an important decision concerning the availability of stakeholder relief where claims have been made in arbitration

---

*Jiangsu Shagang Group Co v Loki Owning Co Ltd* (The “Pounda”) [2018] 2 Lloyd’s Rep 359: A claim against the alleged guarantors of a long term time charter worth c. US\$70 million; Alexander was junior counsel for the claimant owners in both the arbitration and subsequent section 67 challenge to the Commercial Court.

---

*Gard Shipping AS v Clearlake Shipping Pte Ltd* (The “Zaliv Baikal”) [2017] 2 Lloyd’s Rep 38: Sole counsel for the owners in a case involving the proper construction of a floating storage clause in a tanker charter and the first Commercial Court decision on contractual construction following the decision of the Supreme Court in *Wood v Capita*.

---

*D’Amico Shipping Italia SpA v Endofa DMCC* (“The Cielo di Milano”) [2016] EWHC 2223 (Comm): Order for sale of an oil cargo in satisfaction of claims for freight and demurrage; summary judgment on claims for freight.

---

*Shagang Shipping Co Ltd (in liquidation) v HNA Group Co Ltd* (“The Dong-a Astrea”) [2014] EWHC 2241 (Comm) and [2016] EWHC 1103 (Comm): US\$70m claim against the guarantor of a long- term time charter; issues involved allegations of bribery, and of torture by the Chinese police.

---

*White Rosebay v Hong Kong Chain Glory* (“The Fortune Plum”): The leading case on affirmation of long-term time charters following repudiatory late / non-payment of hire.

---

*Dolphin Tanker v Westport Petroleum* (“The Savina Caylyn”): Termination of time charter for breach of oil major approvals clause; scope of admissible evidence on section 69 appeal.

---

Junior Counsel for the slot charterers on claims worth c. US\$40m arising out of the substantial fire to the container ship

---

“CCNI ARAUCO” – a three week Commercial Court hearing is fixed for October 2020.

---

Junior Counsel for the claimant sellers on a US\$22m claim arising out of the repudiation of a tripartite agreement for the sale and purchase of a fleet of ten tankers.

---

*Ak Kablo Imalat v Intamex*: Repudiation of a consignment of copper cathode sold CIF and subsequent challenges to LME award under sections 68 and section 69.

---

Junior Counsel in a complex multi-jurisdictional dispute concerning the ownership of a cargo of Nigerian grade petroleum worth approximately US\$70m.

---

Junior Counsel for the claimant P&I Club in a substantial unsafe port claim following an allision between a bulk carrier and a mooring dolphin in the Aden.

---

## Shipbuilding

Alexander has been involved in a range of shipbuilding disputes across a range of types of vessels, including FPSOs, drill ships, offshore support vessels, bulk carriers, oil/chemical tankers, LNG carriers, ro-ro passenger ferries, and superyachts, and acts for both owners and shipyards. He has particular experience of cancellation disputes following the market downturn (most recently in the energy sector – see also Energy) and is familiar with issues surrounding delay and deliverability.

### Featured Shipbuilding cases

---

Leading junior (acting against Leading Counsel) for the successful respondent shipyard in an LMAA arbitration and subsequent section 69 appeal following the termination of a contract for the construction of a self-elevating liftboat following Basic Design delays with claim values of c. US\$20m.

---

First junior counsel for a major Chinese state owned shipyard in disputes arising out of the cancellation of two offshore accommodation units by a leading international provider of offshore support services with claims worth an aggregate of US\$200m.

---

Sole counsel (acting against Leading Counsel) for the respondent shipyard in disputes arising out of the termination of contracts for the construction of four platform supply vessels.

---

Junior Counsel for the respondent buyer in an LMAA arbitration arising out of the cancellation of a heavy tender assist drilling barge, involving allegations of economic duress; claims worth US\$120m.

---

Junior Counsel for the respondent shipyard in an ad hoc arbitration arising out of the cancellation of a jack-up drill rig.

---

Junior Counsel for the claimant buyer in a claim for the return of advance purchase monies following the cancellation of a shipbuilding contract for delay, claim value US\$35m. The Builder’s defence based on alleged Buyer-induced delays and the “prevention principle” was defeated on a preliminary issue due to lack of timely notices of delay.

---

*Astilleros Canarios SA v 3264741 Nova Scotia Limited* [2017] EWHC 2194 (Comm): Successfully obtaining summary

---

judgment for the claimant yard following non-payment of agreed sums in connection with refurbishment work to a luxury yacht.

Sole Counsel in an HKIAC arbitration concerning defective coatings to the cargo holds in a newbuild bulk carrier.

Junior Counsel for the claimants on claims arising out of the repudiation of a series of six linked shipbuilding contracts and six bareboat charters for non-payment of a down payment; claim value US\$25m.

Sole Counsel for the buyer in a €15m dispute that raises interesting questions over whether a buyer is entitled to terminate a shipbuilding contract for delay on an anticipatory basis when it is clear that the builder cannot deliver the ship by the “drop dead date”.

Junior Counsel for the claimant owners in a highly technical LMAA arbitration concerning the compliance of a series of newbuildings with CSR and SOLAS requirements.

Junior Counsel for the builder in connection with disputes arising out of alleged excessive fuel consumption on a fleet of Ultramax bulk carriers.

## Energy & Offshore Construction

Alexander has significant experience in energy and offshore construction disputes (particularly in the oil and gas sectors), both in the Commercial Court and international arbitration. His expertise ranges from difficult legal issues concerning contractual interpretation to complex technical matters.

### Featured Energy & Offshore Construction cases

*VTB Commodities DAC v JSC Antipinsky Refinery (No 1)* [2020] 1 Lloyd’s Rep 332; and *(No 2)* [2020] 1 WLR 1227. Acting (as first junior counsel, latterly in a five strong counsel team) for VTB Commodities in LCIA arbitration proceedings and related Commercial Court Part 8 arbitration claims against a large Russian oil refinery concerning the diversion of oil cargoes, including successfully obtaining and maintaining a worldwide freezing injunction to a value of €225m.

Sole counsel for a global commodities trader in Commercial Court proceedings worth c US\$180m against a Venezuelan buyer of petroleum products under a series of sale and purchase contracts.

Leading junior (acting against Leading Counsel) for the successful respondent shipyard in an LMAA arbitration and subsequent section 69 appeal following the termination of a contract for the construction of a self-elevating liftboat following Basic Design delays with claim values of c. US\$20m.

First junior counsel for a major Chinese state owned shipyard in disputes arising out of the cancellation of two offshore accommodation units by a leading international provider of offshore support services with claims worth an aggregate of US\$200m.

Sole counsel (acting against Leading Counsel) for the respondent shipyard in disputes arising out of the termination of contracts for the construction of four platform supply vessels.

Junior Counsel for the respondent buyer in an LMAA arbitration arising out of the cancellation of a heavy tender assist drilling barge, involving allegations of economic duress; claims worth US\$120m.

Sole Counsel for a major oil company in disputes concerning the alleged contamination of a Nigerian oil cargo that involved Commercial Court proceedings brought by the buyers and a series of related arbitrations against local suppliers under term offtake contracts.

Junior Counsel for an oil major in Commercial Court proceedings concerning the proper interpretation of the pricing mechanism in a sale and purchase contract for high sulphur fuel oil.

Junior Counsel in a complex multi-jurisdictional dispute concerning the ownership of a cargo of Nigerian grade petroleum worth approximately US\$70m.

## Commercial Dispute Resolution

Alexander has a broad range of experience in general commercial disputes in both litigation and international arbitration. His experience including banking, hedge fund disputes, derivatives (particularly under the ISDA Master Agreement), guarantees, purchase options, agency disputes (including claims for breaches of warranty of authority against agents), commercial fraud and bribery, joint venture agreements, bailment, shareholders' agreements, and general contractual matters. He has experience of freezing orders and other urgent injunctive relief including anti-suit injunctions.

The majority of Alexander's cases have an international element and Alexander has experience of jurisdictional and conflict of laws issues and requests for evidence under the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.

His arbitration practice includes both substantive arbitral proceedings, either *ad hoc* or under various different arbitral body rules (LMAA, LME, LCIA, ICC, SCMA, SIAC, HKIAC, UNCITRAL, ARIAS), and challenges on grounds of want of jurisdiction, serious irregularity and errors of law. He has experience of enforcement of awards under section 66 of the Arbitration Act 1996 and applications for urgent relief under section 44.

Alexander was second junior counsel in *Oceanbulk v TMT*, a major piece of litigation arising out of the collapse in the dry bulk FFA market, with over US\$300 million in dispute. The case went to the Supreme Court on the question of the admissibility of without prejudice communications for the purposes of construing a settlement agreement.

He has a niche practice in classic car litigation. He is currently acting for Mr Tuke in widely publicised litigation against JD Classics and its Managing Director involving allegations of fraud in connection with a substantial fleet of classic cars, which has already given rise to three published judgments (*Tuke v Hood* [2017] EWHC 3598 (Comm), *Tuke v JD Classics* (No 1) [2018] EWHC 531 (QB) and *Tuke v JD Classics* (No 2) [2018] EWHC 755 (QB)). An eight-day Commercial Court fraud trial with claims worth £40m has been set down for July 2020. Other notable cases in this area include *Piper v Hales* [2013] EWHC B1 (QB), a case widely reported in the national press arising out of the engine breakdown in a replica Porsche 917 during a test run by a journalist, and *Madejski v Harrison* [2014] EWCA Civ 361, a claim arising out of the auction sale by Sir John Madejski of his Jaguar XJ220.

## Featured Commercial Dispute Resolution cases

---

*VTB Commodities DAC v JSC Antipinsky Refinery (No 1)* [2020] 1 Lloyd's Rep 332; and *(No 2)* [2020] 1 WLR 1227. Acting (as first junior counsel, latterly in a five strong counsel team) for VTB Commodities in LCIA arbitration proceedings and related Commercial Court Part 8 arbitration claims against a large Russian oil refinery concerning the diversion of oil cargoes, including successfully obtaining and maintaining a worldwide freezing injunction to a value of €225m.

---

Acting as a leading junior for one of Russia's largest agri-businesses and its guarantor in an LCIA arbitration involving allegations of misrepresentation against a leading investment bank in the context of a US\$265m finance restructuring.

---

Acting as sole counsel for the lessee and its guarantor in a US\$12m Commercial Court claim brought by the lessor of three Boeing 737 aircraft for alleged unpaid rent and maintenance contributions.

---

Junior Counsel in Commercial Court proceedings concerning whether or not a senior mortgagee acted unreasonably for the purposes of an inter-creditor deed in refusing permission to a borrower to make payments to a junior lender in the sums of c. US\$18.5m.

---

Sole counsel for the claimant in a £6 million dispute arising out of a sale and purchase agreement for the business of a facilities management company.

---

*Bank of London and Middle East PLC v Partners International Leisure & Ors* – successfully obtaining summary judgment as sole counsel for the claimant bank on a £8m claim arising under an Islamic “murabaha” financing facility.

---

*ICBC Financial Leasing Co Ltd v Consultants Group Commercial Funding Corp* [2016] EWHC 1683 (Comm): Successfully acting for the leasing subsidiary of China's largest bank in defending a claim arising out of the alleged breach of a confidentiality and non-circumvention agreement in connection with the financing of four LNG vessels.

---

Junior counsel in a c. US\$24m shareholders' dispute that raises inter alia issues concerning the circumstances in which derivative actions can be brought in arbitration.

---

*Crane Merchandising Systems v Lashmar*: acting for the defendants in a Commercial Court fraud trial arising out of the alleged bribery of the claimant's employees; the claim was withdrawn and a contribution towards the defendants' costs paid on the final day of the trial.

---

Sole Counsel for the claimant in an ICC arbitration arising under a Collaboration Agreement for the sale of petcoke involving allegations of fraud.

---

Junior Counsel in a Commercial Court dispute between a commodities trader and a major Nigerian oil importer arising out of the breach of a settlement agreement.

---

Junior Counsel for the respondent guarantor on a US\$76m LMAA arbitration claim which raises interesting issues as to inter alia illegality under Chinese law and the scope of the rule in *Ralli Bros*.

---

Sole counsel in *Derek Hodd Limited v Climate Change Capital*, a four-day Chancery Division trial concerning a procurement consultant's entitlement to a contingency fee, which raised inter alia interesting questions of misnomer and the proper construction of the Business Names Act 1985.

---

Drafting submissions and/or advising on English law issues for the purposes of proceedings in foreign court applying

English substantive law, most recently for use in the Malaysian Court of Appeal and the Dutch Court of Appeal in The Hague. He has recently provided (in his sole name) expert opinions on English law for proceedings in the Antwerp Court of Appeal and for the Russian courts.

---

## Insurance & Reinsurance

A substantial proportion of Alexander's practice is insurance litigation (both in the marine and non-marine fields) and reinsurance disputes. He acts for assureds, leading national insurers and Lloyd's syndicates.

His experience encompasses non-disclosure, misrepresentation, fraud, breaches of warranty and condition precedent, and issues over policy construction including the operation of exclusions. In addition to indemnity disputes, he has been instructed in cases where the quantum of settlement is in contention (including the quantification of business interruption losses) and regularly acts for insurers in subrogated claims against third parties (including fire claims). Specific reinsurance experience includes issues of aggregation, allocation and ascertainment.

Alexander has gained an insight into the client's perspective by spending time working in-house with two leading insurers.

### Featured Insurance & Reinsurance cases

---

Sole Counsel for the claimants (acting against Leading Counsel) in a US\$4m Commercial Court P&I coverage dispute concerning liability for alleged pollution costs following the loss of an offshore support vessel in Brazil.

---

Junior Counsel in a £5m dispute conducted under ARIAS arbitration rules concerning whether or not a professional indemnity insurer of an engineering firm was liable to a major contractor pursuant to the Third Parties (Rights Against Insurers) Act 1930.

---

Junior Counsel in *Haven Insurance Company Limited v EUI Limited* (t/a Elephant Insurance) [2019] Lloyd's Rep IR 128, a dispute between two insurers concerning the jurisdiction of an arbitrator to hear an appeal from a decision the Technical Committee of the Motor Insurers Bureau concerning liability for a catastrophic injury. The case was the first appellate decision on the jurisdiction to extend time for the commencement of proceedings under section 12 of the Arbitration Act 1996 in 16 years.

---

Junior Counsel for the claimant owners in a c US\$13m Commercial Court ATL claim that involved allegations of the deliberate scuttling of a bulk carrier.

---

Junior Counsel in a Commercial Court claim on a policy of credit insurance following the insolvency of a main contractor for road construction works in Jamaica.

---

Junior Counsel in a Commercial Court coverage dispute raising issues of policy construction and agency following a major fire.

---

*Atlas Navios – Navegacao Lda (Formerly BNavios-Navegacao Lda) v Navigators Insurance Co Ltd* (The "B Atlantic") [2015] 1 Lloyd's Rep 17: A complex US\$20m CTL claim against war risk underwriters following the confiscation of a bulk carrier by the Venezuelan courts, involving serious allegations of bribery and fraud by the assured and political interference in the



Venezuelan judiciary.

---

Sole Counsel for the defendant assured in a c. US\$7m Commercial Court action concerning an alleged fraudulent claim following the alleged staged theft of nine “Old Masters” paintings.

---

Sole Counsel for the assured in a US\$1.4m cargo insurance dispute following the ATL of a shipment of construction materials en route to Haiti (Commercial Court).

---

Sole Counsel for the Claimant cedant in a Commercial Court claim against war risk reinsurers arising out of a helicopter crash in Guinea-Bissau during its civil war.

---

Advising (as sole counsel) on a US\$1.7m reinsurance dispute in an excess of loss treaty reinsurance for professional indemnity risks.

---

Sole Counsel for the claimant assured in an ad hoc arbitration concerning the proper construction and application of a pollution liability exclusion in a corporate liability policy.

---

## Professional Negligence

Alexander has acted in professional negligence actions across a range of disciplines, including solicitors, engineers, architects, barristers, insurance intermediaries, chartered surveyors, estate agents, ship managers, expert witnesses, and project managers.

He was instructed as junior counsel for a leading firm of City solicitors in defending a US\$20m negligence claim following the dismissal of the claimants’ original claim for damages for the repudiation of two shipbuilding contracts, and as junior counsel for the former solicitors to Ched Evans in the highly publicised claim against them arising out of Mr Evans’ (subsequently overturned) conviction for rape.

As sole counsel, Alexander recently acted for the claimant against an insurance broker in connection with the under-insurance of a £4.8 million supercar that was wholly destroyed in a fire. He also acted in a TCC action by a developer against an expert witness in a planning appeal; interlocutory applications concerning waiver of privilege in an expert’s report, and the need for expert evidence in professional negligence actions, are reported as *ACD Landscape Architects v Overall (No 1)* and *ACD Landscape Architects v Overall (No 2)*.

## Construction & Engineering

Alexander acts for employers, contractors, sub-contractors and construction professionals across a range of cases from residential building matters to major infrastructure litigation.

He has acted as junior counsel for lead consultant engineers in a multi-million pound dispute arising out of a £200m design-and-build rail infrastructure project, a £10m claim arising out of the allegedly negligent design of a cooling system in a major office development, and a US\$15m ICC arbitration concerning the provision of defective generators to a power station in Bangladesh.



As sole counsel, Alexander has acted in a TCC action arising out of the conversion of a former church to a luxury holiday let, in a multi-party dispute following the overheating of a number of schools constructed under a PFI scheme, and in two TCC actions arising out of the construction of the National Gymnastics Arena in Baku, Azerbaijan. He acted as sole counsel on appeal in *ICE Architects Ltd v Empowering People Inspiring Communities* [2018] TCLR 3, an important decision on limitation in the context of a claim by an architect for unpaid fees.

## Appointments

Alexander is a founding Committee member of the Young Maritime Professionals and has served on the Executive Committee of the Commercial Bar Association (COMBAR).

## Memberships

- Young Maritime Professionals

## Education

- MA (Cantab) History (First Class)
- DipLaw (City) (Distinction)

## Recommendations

Alexander is listed as a leading junior in “Shipping and Commodities” and “Commercial Dispute Resolution” in *Chambers and Partners UK Bar*, as a leading junior in “Shipping” or “Shipping and Commodities” in *Chambers Global*, *The Legal 500 UK* and *The Legal 500 Asia Pacific* and as a leading junior in “Energy” and “Commercial Litigation” in *The Legal 500*. He is identified as a leading junior in both “Shipping” and “International Trade and Commodities” in *Who’s Who Legal UK Bar 2020*.

In February 2020 Alexander won “Shipping Junior of the Year” at the Legal 500 Awards, having been nominated for the same award in 2019. He has previously been listed as one of Legal Week’s 10 “Stars at the Bar” and has twice been nominated as “Shipping Junior of the Year” at the Chambers UK Bar Awards.

Comments include:

- Brilliant, absolutely outstanding and extremely clever...he will be silk in a very short time
- My favourite junior at the Bar. He has an absolutely stellar intellect and is very clear and very bright
- A technically excellent junior with an eye for detail
- Absolutely outstanding

- An excellent advocate
- Extremely bright and hardworking, and good on technical issues
- Incredibly hard-working, bright, commercial and approachable. Utterly reliable
- A marvellous junior. He has an extraordinary memory and a fantastic grasp of detail.