

Alexander Wright KC

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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 commercial arbitrations. He has appeared successfully on several occasions in the Court of Appeal.

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 serves on the Executive Committee of the Commercial Bar Association (COMBAR) and chairs the social mobility mentoring sub-committee.

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; ship mortgage claims; and has a niche practice in claims against ship managers.

Featured Shipping & Commodities cases

K Line Pte Ltd v Priminds Shipping (HK) Ltd (The “Eternal Bliss”) [2022] 1 Lloyd’s Rep 12 – for the successful appellant charterers in the Court of Appeal in an important decision concerning the exclusivity of demurrage as liquidated damages for delay.

Argos Pereira Espana SL & anor v Athenian Marine Ltd (The “Frio Dolphin”) [2022] 1 All ER (Comm) 345 – successfully acting for the owners in the first English law decision to uphold a claim for equitable compensation against a subrogated insurer for breach of a forum clause.

Priminds Shipping (HK) Ltd v Noble Chartering Inc (The “Tai Prize”) [2021] 2 All ER (Comm) 866 – successfully acting for charterers in the Court of Appeal in a rare second-tier arbitration appeal and an important decision concerning the extent of implied indemnities and warranties in a voyage charterparty.

Harmony Innovation Shipping Pte Ltd v Caravel Shipping Inc (The “Universal Bremen”) [2020] 1 Lloyd’s Rep 206 – successfully acting for head owners 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 advocate 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, including potential veil-piercing claims following the alleged fraudulent conveyance of a fleet of vessels.

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.

Gard Shipping AS v Clearlake Shipping Pte Ltd (The “Zaliv Baikal”) [2017] 2 Lloyd’s Rep 38 – 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 *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.

Acting for the bareboat charterers and their guarantors in a US\$15m dispute concerning *inter alia* the circumstances in which a guarantee can be rescinded for non-disclosure of unusual features, viz. the owners’ fraud on the claimant assignee bank.

Shipbuilding

Alexander has been involved in a range of shipbuilding disputes across a range of types of vessels, including FPSOs, semi-submersibles, jack-up rigs, drill ships, offshore support vessels, bulk carriers, oil/chemical tankers, container ships, 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 advocate 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

Ongoing instructions 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.

Acting for the successful respondent shipyard in disputes arising out of the termination of contracts for the construction of four platform supply vessels

Acting 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

Acting for the successful 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

Acting 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”

Astilleros Canarias 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

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

Acting for the buyer in disputes arising out of the cancellation of a contract for the construction of a semi-submersible drilling unit; claim value c. SGD 350 million.

VTB Commodities DAC v JSC Antipinsky Refinery (No 1) [2020] 1 Lloyd's Rep 332; and *(No 2)* [2020] 1 WLR 1227. Acting 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 for the operator of a solar power station in Argentina in LCIA proceedings concerning delays in the importation of equipment.

Leading advocate 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 which raises potential sovereign immunity and sanctions defences

Leading advocate 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.

Acting 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.

Acting for the successful respondent shipyard in disputes arising out of the termination of contracts for the construction of four platform supply vessels.

Acting 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.

Acting in a c. US\$50m highly technical LMAA arbitration concerning the operation of the dynamic positioning system in an offshore vessel. The claim settled during a preliminary issues hearing with a 96% recovery for Alexander's clients.

Acting 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.

Commercial Court proceedings concerning whether or not a contract in connection with decommissioning work in the North Sea could be cancelled due to alleged non-compliance with COVID-19 regulations.

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.

He is familiar with sanctions issues insofar as they relate to commercial contracts, with ongoing instructions including disputes arising out of the alleged shipment of sanctioned Venezuelan oil and whether or not payments can be made by a sanctioned Venezuelan entity.

Most 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 (including rare second-tier appeals). He has experience of enforcement of awards under section 66 of the Arbitration Act 1996 and applications for urgent relief under section 44.

He has a niche practice in classic car litigation. He acted 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. Following a three-week Commercial Court fraud trial in July 2020, Alexander obtained judgment for c. £11.9 million, including by reference to novel arguments on the proper measure of loss of investment opportunity damages where an innocent party has been fraudulently induced into selling an appreciating asset. Alexander also successfully resisted Mr Hood's appeal that raised for the first time the question as to whether or not damages for deceit are to be discounted for the "time value" of moneys received in a fraudulently induced transaction (*Tuke v Hood* [2022] EWCA Civ 23).

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 for VTB Commodities in LCIA arbitration proceedings and a 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 €225,000,000.

Leading advocate 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 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.

Acting for a leading crane manufacturer in a US\$7m ICC arbitration concerning alleged design defects in four offshore vessel cranes.

Acting 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.

Acting for the claimant in a £6 million dispute arising out of a sale and purchase agreement for the business of a facilities management company. Alexander was successful following a 10 day trial: *Phoenicks Limited v Bellrock Property &*

Facilities Management Ltd [2021] EWHC 2639 (Comm).

Acting in a US\$12m LMAA arbitration arising out of the termination of two contracts for the construction of specialist offshore vessel cranes.

Bank of London and Middle East PLC v Partners International Leisure & ors – obtaining summary judgment 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.

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 (including allegations of scuttling and staged loss), 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.

Featured Insurance & Reinsurance cases

Acting for the claimants 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.

Acting in a £5m dispute arising out of subrogated contribution claims by employers’ liability insurers against manufacturers of historic asbestos products

Acting for the insured investment company in a €32m claim on a policy of credit risk insurance policy following the collapse of a major global healthcare group amidst allegations of fraud against its senior management

Acting 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.

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.

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

Acting 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.

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.

Acting 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).

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 for a leading firm of City solicitors in defending a £20m negligence claim following the dismissal of the claimants’ original claim for damages for the repudiation of two shipbuilding contracts, and for the former solicitors to Ched Evans in the highly publicized claim against them arising out of Mr Evans’ (subsequently overturned) conviction for rape. Alexander also 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 is currently acting for a firm of solicitors defending allegations of professional negligence in connection with a private equity sale of a unified communications company, and for a multi-disciplinary construction and engineering consultancy on a £2.4 million claim arising out of the failure of a development of 76 new houses.

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 been instructed in delay and disruption claims, final account disputes, claims for defective works, construction-related professional negligence, actions arising out of the termination of contracts and in adjudication proceedings.

He has acted 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.

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 practitioner in Shipping / Shipping and Commodities, International Trade, Commercial Dispute Resolution / Commercial Litigation, Energy, and International Arbitration, in one or more of *Chambers and Partners UK Bar*, *Chambers Global*, *The Legal 500 UK*, *The Legal 500 Asia Pacific* and *Who's Who Legal UK Bar*.

As a junior, in 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:

- He has an absolutely stellar intellect and is very clear and very bright
- Absolutely outstanding
- He is our go-to barrister for a wide range of matters
- He is very bright and very impressive on his feet
- An excellent advocate
- Extremely bright and hardworking, and good on technical issues
- His key strengths are a stellar combination of hard work and intelligence
- Excellent legal knowledge and tactical nous
- Incredibly hard-working, bright, commercial and approachable. Utterly reliable