

# Rachel Ansell KC

Call 1995 Silk 2014



Rachel Ansell KC is a highly regarded commercial advocate with a market leading reputation for her work both domestically and internationally.

This is demonstrated by the directories, who note that “*She is a force to be reckoned with at the Bar. She works tirelessly, her work ethic knows no bounds, she is extremely incisive, and her advocacy is exceptional. She would be my go-to silk for any battle*” (Chambers & Partners 2022).

Her practice covers insurance, construction, professional negligence and energy disputes across in all litigation and arbitration forums, where she is remarked as having an “*immeasurable intellect and formidable presence, tenacity and authority when speaking*” (Legal 500 2021).

Rachel’s growing profile within insurance is exemplified by her involvement at all stages in *The Financial Conduct Authority v Arch Insurance (UK) and Others*, the leading insurance case on Covid-19-related business interruption insurance claims following which “*underlines her position as one of the leading insurance silks*” (Legal 500 – 2021).

She remains one of the pre-eminent construction silks at the bar, with a global profile demonstrated by involvement in some of the biggest disputes both in the UK and abroad acting for prominent contractors on matters in the energy and transport infrastructure spheres for example. Chambers Global 2022 rank her in the top band for Construction noting that Rachel is “*an obvious asset to any team, bringing a real weight of experience, insight and commercial acumen with her. Her advocacy is breathtakingly good*”.

Rachel is qualified to undertake Public Access work so can advise companies without in-house legal teams.

## Construction & Engineering

Rachel’s experience includes all types of construction and engineering disputes and covers all types of projects, including infrastructure / transport projects (airports, highways, railways, water treatment plants), large scale mixed use developments, specialist leisure (sports stadiums, spas) and scientific buildings (hospitals, specialist laboratories).

She is particularly adept at dealing with technical cases as evidenced by the fact she is regularly instructed to advise on

engineering disputes involving chemical, civil, electrical, electronic, geotechnical, industrial, manufacturing, marine, mechanical, process and structural engineering and on cases involving defective equipment, machinery and systems of all kinds.

## Featured Construction & Engineering cases

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Advising and acting for clients in domestic and international arbitrations under institutional and ad hoc rules.

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Numerous arbitrations (DIAC and ICC) concerning master developer/developer, employer/contractor and contractor/specialist sub-contractor disputes arising out of airport, infrastructure and large mixed use development contracts in the Middle East (governed by English, Qatari, Omani and UAE law).

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Advising and acting for a contractor in (an ICC arbitration) in relation to a dispute arising out of a contract for the construction of sports facilities in Africa.

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Advising and acting for clients in large and high profile cases in the TCC including, most recently, acting for Carillion Construction Limited in respect of its claim arising out of the construction of the Rolls Building.

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Advising and acting for contractors in large adjudications in the United Kingdom.

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Acting for Tubelines in a series of adjudications with London Underground in relation to the upgrade of the technology for the computerised signaling system for the Jubilee, Piccadilly and Northern lines.

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Acting for a large UK utility provider in relation to a dispute with one of its main sub-contractors concerning the proper construction of the services contract.

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## Energy

Rachel has been instructed in a significant number of Energy cases.

## Featured Energy cases

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Acting for an oil pipeline operator in an international arbitration (governed by the UNCITRAL Rules) in relation to its billion dollar counterclaim against its EPC contractor relating to a project in Africa for the construction of six oil pumping facilities.

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Acting for an EPC contractor in an LCIA arbitration in relation to its dispute with its subcontractor arising out of oil production facilities in the Middle East.

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Acting for a leading offshore and onshore drilling and engineering contractor in relation to a number of oil drilling contracts.

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Acting for an international engineer in relation to its claims for additional fees under a lump sum contract arising out of a multi-million dollar oil pipeline project in Saudi Arabia.

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Acting for EPC contractor in an ICC arbitration in relation to its multi-million euro claim arising under a contract for the development of a gas pipeline in Africa.

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Advising an international engineer in relation to claims arising out of the construction of a new nuclear power facility.

Acting for an international contractor in respect of claims arising out of an EPC contract for the conversion of a LNG storage facility.

Acting for international energy providers and contractors in relation to disputes concerning many different energy projects including CHP power stations, integrated materials recovery and energy centres and combined cycle gas turbine power stations.

## Professional Negligence

Rachel's professional liability work includes claims against construction professionals, including architects, engineers of many different disciplines, project managers and quantity surveyors as well as valuers and building surveyors. She also has experience acting for professionals from other fields such as barristers, solicitors and accountants.

She has particular expertise in claims involving scientific and technical issues ranging from claims involving issues arising out of detailed chemical engineering processes to claims involving detailed consideration of soil mechanics.

### Featured Professional Negligence cases

Appearing at an arbitration on behalf of a structural engineer defending a £90 million professional negligence relating to the geotechnical assessment and seismic design for a large construction project in the Middle East.

Acting on behalf of a local authority in respect of its claim against its design and QS consultant on a large leisure centre project for negligent architectural, mechanical, electrical and structural design and the negligent management of the NEC Compensation Event mechanism under the building contract.

Acted for insurers in relation to a subrogated claim for negligent design in respect of an implosion at a sewage plant incorporating new and innovative chemical engineering processes.

Acting on behalf of a manufacturing company of construction products in respect of their claim for professional negligence against a urethane technology company in relation to the design of an isocyanate-based polymer foam.

Costain Ltd v Charles Haswell & Partners Limited 128 Con LR 154: Appeared on behalf of Costain Limited in its successful claim against geotechnical engineers for the negligent design of a preloading/surcharging scheme for a water treatment plant.

Frequently acts for structural engineers and their professional indemnity insurers particularly through the ACE Scheme. Work in this field includes the defence of claims relating to the design and construction of tidal defences and rammed earth walls; the design of a pavement for a container storage yard; foundation design for various constructions; geotechnical and environmental assessments; the design of leisure facilities including swimming pools; and roof design.

## Insurance & Reinsurance

Rachel's insurance work includes advising insurers on non-contentious matters as well as advising and acting in contentious matters, particularly fraudulent claims. She is regularly instructed to act on behalf of insurers in subrogated claims and, in particular, fire claims.

### Featured Insurance & Reinsurance cases

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Counsel for Brit Insurance Limited in *Milton Furniture Ltd v Brit Insurance Ltd* [2015] EWCA Civ 671 (and at first instance [2014] Lloyd's Rep IR), an important case on the proper construction of conditions precedent and the meaning of the term 'left unattended' in a commercial combined insurance policy.

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Counsel for ACE in *ACE European Group Ltd & Others & Ors v Chartis Insurance UK Ltd* [2012] 2 Lloyd's Rep 117 (upheld in the Court of Appeal [2013] Lloyd's Rep IR 485), a dispute between EAR and Marine Insurers as to which insurance policy covered damage to industrial boiler equipment.

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Counsel for The Underwriter Insurance Company in *Kajima UK Engineering Ltd v The Underwriter Insurance Company* [2008] Lloyd's Rep IR 391; a leading case on the proper construction of notification clauses and notifications made under "claims made" insurance policies.

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Advising a design and build contractor in respect of the coverage provided by its insurance following the insurer's refusal to provide an indemnity in respect of certain building defects.

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Acting for various insurers in relation to claims involving property damage and/or business interruption claims including, by way of example, acting for a property insurer in respect of a subrogated claim against a gas provider for negligently failing to deal with a gas leak, acting for a contractor's insurer in its defence to a £16million subrogated claim arising out of a fire at a building site and acting for insurer in relation to a coverage dispute arising out of a fire at a warehouse.

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## Appointments

- Registered as an advocate in the Dubai International Financial Centre (DIFC)

## Education

- MA (Cantab) Law (First Class)

## Recommendations

Rachel was awarded International Arbitration Silk of the Year at the Chambers UK Bar Awards 2019 and Construction Silk

of the Year at the Chambers UK Bar Awards 2017.

Recommended in Legal 500, Chambers & Partners and Chambers Global for construction, energy, international arbitration, professional negligence and property damage.

Comments include:

- absolutely brilliant
- exceptional advocate
- ferocious and incredibly effective cross-examiner
- a standout performer with an ability to master incredible quantities of detail
- a litigator's dream barrister
- approachable, hard-working and bright
- understands the importance of a commercial outcome
- very stylish in court and has that little bit extra
- highly intelligent and disarmingly charming
- she exercises great judgment
- solicitors are enamoured of her intelligence, productivity and the "clarity and precision" of her advice
- a producer of first-class paperwork, she always makes deadlines and gets right to the heart of an issue
- her attention to detail is second to none
- one of the new breed of barristers