

# Rani Noakes

Call 2010



Rani's core practice is complex commercial litigation and international arbitration (where her experience includes LMAA, LCIA, ICC, SIAC, HKIAC and ad hoc references). She appears as sole counsel in the Commercial Court and before arbitral tribunals across all chambers' main areas of practice, and also as part of a larger team in complex, high value disputes.

Particular areas of expertise include:

- International Arbitration and Commercial Litigation
- Insurance & Reinsurance
- International Trade, Shipping & Commodities
- Offshore, Energy (oil, gas & renewables), Shipbuilding and Construction
- Banking & Finance
- Commercial Fraud
- Injunctive relief, jurisdictional challenges, and the appeal and enforcement of domestic and foreign judgments and arbitration awards
- Information & Technology
- Professional Negligence

## International Arbitration and Commercial Litigation

Rani appears in international commercial arbitrations under all main arbitral rules (ICC, LCIA, LMAA, SIAC, HKSIAC) as well as ad hoc references. She is instructed as sole counsel in high value disputes across a range of disciplines as well as part of a larger team in complex technical cases. She is particularly experienced in appeals from arbitral awards and issues of jurisdiction including anti-suit injunctions and enforcement of awards.

### Featured International Arbitration and Commercial Litigation cases

Defending a c. US\$ 70 million loss of profit and market share claim resulting from a fire at an agrochemical production

facility.

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ICC and SIAC arbitrations concerning disputes under international specialist sales contracts for the long-term supply of commodities.

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ICC, LCIA and HKSIAC arbitrations concerning disputes under finance & credit agreements, guarantees and credit & political risk insurance disputes.

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LMAA UN Sanctions busting case concerning the supply and distribution of Russian oil into Yemen.

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Acting for a Chinese SoE in a c. US\$ 400 million LCIA offshore energy arbitration regarding the cancellation of a design and construction contract for a highly complex specialist offshore deep-sea pipe laying vessel.

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Appellate work. Rani is junior counsel in *Nobel Chartering Inc v Priminds Shipping (Hong King) Co Ltd* Commercial Court: [2020] EWHC 127 (Comm) before HHJ Pelling QC reported in [2020] 2 Lloyd's Rep 333; Court of Appeal: [2021] EWCA Civ 87 before Bean, Males and Rose LJJ. The case concerns the implication of indemnities and warranties into commercial contracts.

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## Shipping, Commodities & International Trade

Rani is regularly instructed as sole counsel across all manner of admiralty, charterparty and bill of lading disputes in both the commercial court and arbitration (particularly under the LMAA rules). Her commodities and international trade experience embrace all forms of international sale contracts and related finance disputes including associated insurance disputes.

She is an experienced in appellate work and has extensive experience in both making and defending s 68 and s 69 appeals as well as applications under more infrequently used provisions of the Arbitration Act 1996 including applications under s 41(3).

### Featured Shipping, Commodities & International Trade cases

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Disputes on implied indemnities in charterparties. She recently acted as Junior Counsel in *Nobel Chartering Inc v Priminds Shipping (Hong King) Co Ltd* Commercial Court: [2020] EWHC 127 (Comm) before HHJ Pelling QC reported in [2020] 2 Lloyd's Rep 333; Court of Appeal: [2021] EWCA Civ 87 before Bean, Males and Rose LJJ the leading case on implied indemnities in voyage charters and representations in bills of lading.

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Sanctions work. Rani has experience in disputes concerning government detention and confiscation of vessels and goods arising out of breaches of local law and UN "sanctions-busting".

- Acting in two related arbitrations concerning the confiscation of a vessel and its cargo of crude oil by Saudi and UN authorities. The vessel was alleged to have been smuggling arms and explosives into Yemen and to have called in Iran. The dispute has given rise to related anti-suit proceedings in the Commercial Court and Rule B attachment relief in the US.
- Advising on the impact of EU sanctions on charterparty agreements, insurance and illegality in respect of shipments of crude oil from Iran.
- A \$23 million arbitration relating to government detention of a vessel in Yemen.
- Rani was instructed for the section 69 appeal in *The MV Muammer Yagci* [2018] EWHC 3873 (Comm); a case

concerning the meaning of “government interference” in an exclusion of liability for laytime and demurrage in relation to confiscation of a cargo by customs authorities on the basis of fraudulent importation documents.

Rani has significant experience relating to the detention of vessels and liability for loss of time. She has acted in countless off hire, detention and laytime & demurrage disputes. These cases have embraced a wide array of circumstances including liability for illegal interventions by third party agents, and the application of contractual exceptions including force majeure. Rani acted as sole counsel for a publicly quoted energy company in a series of arbitrations regarding disputed sums under contracts of affreightment across several vessels.

Speed and performance disputes.

Unsafe port claims in respect of physical and legal unsafety.

Deviation claims. Rani is currently defending a tug owner in relation to an alleged deviation under the Towhire form.

Claims in respect of off-specification bunkers and damage resulting from non-contractual fuel.

Cases concerning responsibility for cargo and vessel damage. Rani has advised in countless disputes about liability for damage to vessels and cargo including in relation to the collapse of port cranes and stevedore negligence.

Advising on termination and assignment provisions including in respect of non-payment of hire under high value contracts of affreightment and disputes under pool agreements

## Bills of Lading

Rani has acted as sole counsel in a wide range of high value disputes under bills of lading, including claims in respect of damaged automotive components, multimillion dollar claims for damage to shipments of reefer cargo and damaged tugboats shipped on deck. She is experienced in COGSA 1992 and successfully resisted an application for permission to appeal an arbitration award on the proper interpretation and application of the provisions on spent bills of lading in COGSA. She is well versed in the application of the Hague/Hague Visby Rules and US COGSA.

## Sale of Goods

Rani deals with all manner of contractual disputes relating to the sale of goods under both domestic and international contracts of sale including claims in respect of damaged goods and non-delivery cases. She has been involved in many disputes involving CFR and FOB contracts of sale. She was recently instructed in a SIAC arbitration in relation to the FOB sale of oil which gave rise to various legal issues including delivery obligations under the Sale of Goods Act 1979.

## Salvage, Collision and Admiralty

Rani is on the Steering Committee of the Admiralty Bar Association and often appears before the Admiralty Registrar.

She has acted both as sole counsel and with a leader in salvage disputes and related litigation in the Commercial and Admiralty Courts.

### Featured Salvage, Collision and Admiralty cases

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Acting for Hull Underwriters in a claim against P&I insurers before the Commercial Court in respect of liability for storage charges for off-loaded cargo under the York Antwerp Rules 1994.

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Sole counsel in the Admiralty Court defending a common law salvage claim against London Duck Tours, the owners of an amphibious vessel, which ran into difficulty in the Thames.

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Sole counsel in respect of a salvage claim for services rendered to an immobilised chemical tanker in the Thames.

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## Insurance & Reinsurance

Rani acts and advises in insurance, reinsurance and broking disputes across all classes of business. She often gives coverage advice including in relation to political risk, credit risk, and property & professional indemnity lines. She is often instructed in coverage arbitrations with an international trade, finance and fraud elements.

Rani also has a keen interest in cyber risk, particularly silent coverage in non-cyber policies and cyber exclusion clauses. She was a panel member at the Zurich Cyber Insurance Forum, exploring industry concerns and the efficacy of specific cyber exclusions.

## Energy (oil, gas & renewables), Shipbuilding and Construction

Rani acts in both on and off-shore energy and shipbuilding disputes and has significant experience of international arbitration. She also acts in related commercial disputes concerning all areas of contract, insurance, sale, purchase and financing of projects, including guarantee disputes.

### Featured Energy (oil, gas & renewables), Shipbuilding and Construction cases

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Disputes involving support vessels for oil, gas and wind exploration and maintenance. Rani has experience of Supplytime and Windtime contract forms.

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A joint venture dispute in relation to the hire and exploitation of geological survey equipment for gas and oil exploration.

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Acting for a Chinese SoE in a c. US\$ 400 million LCIA offshore energy arbitration regarding the cancellation of a design and construction contract for a highly complex specialist off-shore deep sea pipe laying vessel.

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Acting in relation to the termination of contracts for two oil well intervention vessels for plugging and abandonment operations.

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Disputes pertaining to failures in off-shore wind farms. Rani has a keen interest in off-shore renewable energy and has advised on the termination of a logistic services agreement for an offshore wind transmission system operator.

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Rani's on-shore experience includes:

- £3 million ad hoc arbitration concerning disputes arising from gas turbine overhaul and repairs for an EPC contract for an Argentinian Power Station.
- £5 million final account dispute in the TCC involving claims for variations, delay and disruption, and extensions of time on an eco-build project.

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## General Commercial; Banking, Finance & Fraud

Rani acts in disputes concerning joint ventures, loan agreements, guarantees, mortgages and shareholders agreements. She is often involved in international trade disputes and related financing instruments including letters of credit and bonds. She accepts instructions in all areas of general commercial work in the Commercial Court and in arbitration including in relation to commercial fraud both domestic and international.

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### Featured General Commercial; Banking, Finance & Fraud cases

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Advising and acting in several cases between Russian parties involving the disputed validity of agreements on the basis of fraud. This involved a multiplicity of parallel and related international proceedings leading to anti-suit injunctions and various jurisdiction challenges both domestically and abroad before arbitral tribunals and the High Court.

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Advising on the recovery of the proceeds of a famous worldwide ponzi scheme, involving the enforcement of a US forfeiture order against property in the Bahamas.

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Sole counsel in a €25 million+ claim under a parent company guarantee backed by credit risk insurance in an ICC arbitration.

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Acting for a Chinese bank in relation to a claim under a refund guarantee where there had been an order of the Chinese Court prohibiting payment.

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Commercial Court claim for breach of a shareholders' agreement for financing a joint venture which included allegations of misrepresentation and dishonesty.

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Claims for fraudulent interposition of invoices.

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Claims against employees and directors for fraud.

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# Commercial litigation and arbitration; Injunctions, Jurisdiction Challenges and Enforcement

Rani is experienced in international and domestic arbitration and has acted in all manner of disputes under various rules e.g. ICC, LCIA, LMAA, SIAC and ad hoc references. As well as being regularly instructed in arbitration proceedings, she is often brought in to deal with related supervisory court applications, applications for interim injunctive relief, jurisdiction challenges, appeals and enforcement of foreign awards.

Rani has experience across a range of injunctive relief including freezing injunctions and anti-suit injunctions as well as various procedural matters in the Commercial Court including applications for security.

## Featured Commercial litigation and arbitration; Injunctions, Jurisdiction Challenges and Enforcement cases

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Both bringing and defending applications under section 41(3) of the Arbitration Act 1996 to dismiss claims for want of prosecution.

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Advising on and acting in relation to jurisdiction disputes under CPR Part 11 and sections 32 & 67 of the Arbitration Act 1996 particularly in complex cases involving parallel and related international arbitrations or court proceedings. Notably, Rani appeared as sole counsel in *SET Select Energy GmbH v F & M Bunkering* [2014] 1 Lloyd's Rep 652 (a jurisdiction challenge dealing with Art 27 of the Brussels Regulation and its interrelation with CPR Part 11, which was one of the first decisions post-dating *The Alexandros T*).

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Obtaining and resisting anti-suit injunctions e.g. successfully defending an anti-suit injunction obtained *ex parte* in respect of US attachment proceedings allegedly instituted in breach of an ongoing London arbitration. She has acted for several successful anti-suit claimants seeking to enjoin threatened foreign proceedings. More unusually, she sought to obtain an anti-London arbitration injunction from the High Court in support of an advanced parallel arbitration before the SCC.

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Interim injunctions e.g. successfully securing a mandatory injunction for the provision of IT information in a high profile and widely reported software case involving an online betting platform JV and associated licensing agreements in which there were related and ongoing US proceedings.

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Appeals of arbitration awards. Rani often acts in relation to appeals under sections 68 and 69 of the Arbitration Act 1996 e.g. *The M/V Muammer Yagci* [2018] EWHC 3873 (Comm), Rani successfully resisted an application for permission to appeal on the proper interpretation and application of provisions on spent bills of lading in COGSA, and is involved in the successful onward s69 appeal of the *m/v Tai Prize* to the Court of Appeal.

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Enforcement of foreign arbitrations awards. Rani has acted in the contested enforcement of a Russian New York Convention Award on the grounds that the arbitration clause had been forged. This gave rise to interesting questions of issue estoppel and its interrelation with the NYC public policy ground for resisting enforcement.

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# Professional Negligence

Rani acts in professional negligence disputes. She is often instructed in relation to yacht surveyors' negligence as well as against repair yards and marinas, as well as in relation to (insurance) brokers' negligence disputes.

# Other

Consultant to RAND Europe (Assistant Project Manager 2011) producing a report for the European Commission on the efficacy of the European Enforcement Order ("EEO") which is a cross-border debt enforcement mechanism.

Placement at the (then) Department of Business Enterprise and Regulatory Reform.

# Education

- Commercial LLM University of Cambridge
- MA Law, University of Cambridge
- BVC (Outstanding), College of Law, Middle Temple Astbury Scholar

# Recommendations

Rani is ranked as Leading Junior International Arbitration Counsel and also in Chambers and Partners, Chambers and Partners Global and in the Legal 500 as a Leading Junior for Shipping and Commodities work. She was shortlisted as "Shipping Junior of the Year" in Chambers UK Bar Awards 2020.

Comments in the directories include:

- Rani is a fantastic barrister. She is commercial, diligent and an absolute pleasure to work with. She builds rapport very easily with arbitrators (as well as clients and instructing solicitors) and her advocacy is direct, to the point, and always perfectly delivered. A real star.
- A pleasure to work with. Thorough and a team player. A very clear, concise, and persuasive advocate.
- The best written advocate I have worked with. Her written submissions are clear, well-structured, and highly persuasive.
- An adroit junior noted for her expertise in shipping and commodities matters.
- Rani impresses with her hard work, detailed advice, clear drafting and legal acumen.
- She is someone you want fighting alongside you.
- An excellent and responsive junior.
- She is highly intelligent and has a very strong work ethic.