

Rani Noakes

Call 2010



Rani Noakes's core practice is complex commercial litigation and international arbitration (including LMAA, LCIA, ICC 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:

- Shipping & International Trade
- Insurance & Reinsurance
- Energy (Oil, Gas & Renewables), Shipbuilding & Construction
- Banking & Finance
- Injunctive Relief, Jurisdictional Challenges, Appeal & Enforcement of Judgments
- Information & Technology
- Professional Negligence

Shipping & International Trade

Rani is regularly instructed as sole counsel across all manner of admiralty, charterparty and bill of lading disputes as well as in respect of claims against freight forwarders, ship managers and other supply and agency disputes in both the commercial court and arbitration (particularly under the LMAA rules). Her commodities experience embraces all forms of international sale contracts and related finance disputes.

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

Rani also deals with disputes relating to the sale of goods (under both domestic and international contracts of sale) as

well as international contracts of carriage by both road and sea. She has acted as sole counsel in a wide range of modest to high value disputes under bills of lading, including the sale and carriage of automotive components, multi million dollar claims for damage to shipments of reefer cargo and damaged tugboats shipped on deck.

Rani is on the Steering Committee of the Admiralty Bar Association.

She regularly appears before the Admiralty Registrar in relation to ship arrests and sales.

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

Featured Shipping & International Trade cases

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. This case has been widely reported including in Tradewinds.

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. The case has generated industry and academic interest.

Off hire, unpaid freight, laytime and demurrage disputes. Rani recently 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.

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 several disputes about damage to vessels and cargo resulting from the collapse of port cranes and alleged stevedore negligence.

Advising on termination and assignment provisions under high value contracts of affreightment and in respect of disputes under pool agreements.

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.

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.

Energy (Oil, Gas & Renewables), Shipbuilding & Construction

Rani acts in off-shore energy and shipbuilding disputes and on-shore construction work.

Featured Energy (Oil, Gas & Renewables), Shipbuilding & Construction cases

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.

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

High value ship building disputes including arbitrations on the cancellation and recovery of installments paid on Kamsarmax vessels.

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

Advising in relation to contractual exclusions for failures in on-shore wind farms. Rani has a keen interest in off-shore renewable energy and also recently advised on the termination of a logistic services agreement for an offshore wind transmission system operator.

Rani acts in related disputes concerning all areas of insurance, sale, purchase and financing of projects, including guarantee disputes.

Advising in relation to a £5 million final account dispute in the TCC involving claims for variations, delay and disruption, and extensions of time on an eco-build project.

Acting in a c. £3 million ad hoc arbitration concerning disputes arising from gas turbine overhaul and repairs for an EPC contract for an Argentinian Power Station.

Banking, Finance & Commercial Fraud

Rani has acted in relation to commercial vessel and property finance, including disputes concerning loan agreements, guarantees, mortgages and shareholders' agreements. She has acted in many disputes involving claims under international contracts of sale and related financing instruments including letters of credit and bonds.

In addition, Rani has experience of commercial fraud, both domestically e.g. advising on recovery claims in respect of fraudulent interposition of invoices and acting for companies in claims against employees as well as in larger cross-jurisdictional matters.

Featured Banking, Finance & Commercial Fraud cases

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

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.

Advising and acting in a claim in the Commercial Court for breach of a shareholders' agreement for financing of a joint venture which includes allegations of misrepresentation and dishonesty.

Advising and acting in several cases between Russian parties involving the disputed validity of concluded agreements on the basis of fraud both as a matter of jurisdiction and at the liability and enforcement stages of proceedings in court and in arbitration. These claims involved anti-suit injunctions and various jurisdiction challenges both domestically and abroad before arbitral tribunals and the High Court given a multiplicity of parallel and related proceedings.

Assisting in 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.

Insurance & Reinsurance

Rani acts and advises in insurance, reinsurance and broking disputes in both marine and non-marine contexts. She often gives coverage advice and has experience across many classes of business, including political risk, business interruption, credit risk, excess liability, property and professional indemnity lines.

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

Featured Insurance & Reinsurance cases

Acting in a multi-million dollar dispute for Hull Underwriters in a claim against P&I insurers in respect of coverage of storage charges for off-loaded cargo under the York Antwerp Rules 1994.

Coverage dispute under a critical illness policy with related claims in respect of breaches of IC OBS.

Commercial Litigation & Arbitration, Injunctions, Jurisdiction Challenges & Enforcement

Rani is experienced in international and domestic arbitration and has acted in all manner of disputes under various rules

e.g. LMAA, LCIA, ICC. As well as being regularly instructed in arbitration proceedings, she is often brought in to deal with related supervisory court applications, jurisdiction challenges and appeals as well as the 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.

Featured Commercial Litigation & Arbitration, Injunctions, Jurisdiction Challenges & Enforcement cases

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

Advising on and acting in relation to jurisdiction disputes both pursuant to 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*).

Obtaining and resisting anti-suit injunctions. Rani recently acted in relation to an anti-suit injunction obtained *ex parte* in respect of US attachment proceedings allegedly instituted in breach of an ongoing London arbitration. She also acted for a successful anti-suit claimant 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 related parallel arbitration before the Arbitration Institute of the Stockholm Chamber of Commerce.

Interim injunctions. A recent example of Rani's work is 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 are related and ongoing US proceedings.

Appeals of arbitration awards. Rani often acts in relation to appeals under sections 68 and 69 of the Arbitration Act 1996. She was instructed recently in the case of *The M/V Muammer Yagci* [2018] EWHC 3873 (Comm) and successfully resisted an application for permission to appeal on the proper interpretation and application of provisions on spent bills of lading in COGSA.

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.

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 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”) 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 in Legal 500 as a Leading Junior for shipping work. Chambers & Partners describe her as an “up and coming junior” for shipping and commodities work.

Comments include:

- 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 for all shipping matters
- She is highly intelligent and has a very strong work ethic