

Alex Carless

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Overview

Alex specialises in a broad range of commercial matters, including banking and finance, regulation, energy, fraud, shipping, and commodities.

He is regularly instructed (either led or as sole counsel) in matters in the Commercial Court, the Chancery Division and arbitration. Alex has also appeared in the Court of Appeal.

Alex has spent time on secondment at a leading international firm of solicitors in London, a defence club in Oslo and an international bank in London.

Alex graduated from the University of Cambridge, with a double first in Law, before obtaining a distinction on the BCL at the University of Oxford.

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Professional memberships

- Young Fraud Lawyers Association

Education

- University of Oxford, Magdalen College: Bachelor of Civil Law, Distinction
- University of Cambridge, Homerton College: MA in Law, Double First

Example cases

- *CMA CGM LIBRA* [2019] 1 Lloyd's Rep. 595 - case concerning the grounding of a new US\$120 million containership off the port of Xiamen with US\$400 million worth of cargo; leading authority on the nature of the unseaworthiness obligation under the Hague Visby Rules; also concerned the application of the Supreme Court's *Volcafe* decision to Article III rule 1; appeal to be heard in 2020. Led by Timothy Hill QC.

- Ad hoc arbitration (2017-2019) – wide-ranging dispute involving a family shipping business; allegations regarding unlawful removal of funds, conversion of vessels, etc. Numerous proceedings in London arbitration and before the High Court in London. Issues have included the issue of whether arbitrators have power to grant anti-suit injunctions within EU. Led (variously) by Timothy Hill QC and Thomas Raphael QC, as well as doing numerous hearings unled.
- Ad hoc and SIAC arbitrations (2014-2019) – claims by a bank arising out of the Qingdao metals fraud. Led by Julian Kenny QC.
- UNICTRAL arbitration (2018) – dispute for over US\$250 million concerning the construction of a VVIP aircraft for a head of state. Led by Timothy Hill QC.

General commercial

Alex has been involved in a number of substantial commercial disputes in the context of court proceedings and in various (confidential) commercial arbitrations. This has included, by way of example, *Lemos v Blue Diamond* (including in the decisions in [2018] EWHC 1595 (Ch); [2018] EWHC 1030 (Ch)), led by Timothy Hill QC and Thomas Raphael QC.

Banking and finance / regulation

Alex has extensive experience of swaps mis-selling claims, including in the context of the FCA Review. He has also been instructed in a significant swaps matter concerning LIBOR manipulation. Through this and other work, Alex has acquired a detailed knowledge of financial derivatives, including the ISDA Master Agreement.

Alex has also worked in-house for several months at an international bank in Canary Wharf.

Commodities

Alex has been instructed in a number of disputes involving the international sale of goods. This includes various disputes concerning FOB, CIF and other international sale contracts, including in *AOT Trading AG v Cassar Fuel Ltd*.

Alex also has experience of Structured Inventory Products (SIPs) and other forms of commodity financing, as well as collateral management agreements. By way of example, Alex appeared (together with Julian Kenny QC) for a major bank in a one-week arbitration against a leading trading firm concerning 2014's suspected metals financing fraud in China. He continues to be instructed in connection with related proceedings.

Shipping

Alex is regularly instructed in a wide spectrum of matters arising out of charterparties, bills of lading and shipbuilding contracts. He has extensive experience in both dry and wet shipping.

Recent highlights include:

- A claim in the Admiralty Court concerning the grounding of a container ship off Xiamen (CMA CGM LIBRA – led by Timothy Hill QC).
- Substantial dispute concerning a prominent shipping family (which involves proceedings in the Chancery Division and arbitration in London, in respect of which Alex is instructed along with Timothy Hill QC).
- An appearance (as sole counsel) in the Admiralty Court for a mortgagee claiming the arrest and sale of a ship.
- Three-week arbitration concerning dangerous goods (led by Michael Ashcroft QC).
- One-week arbitration concerning an unsafe port allegation (as sole counsel).
- Two-day hearing concerning cargo theft in Nigeria (appearing as sole counsel).

Other hearings have included:

- *The Clipper Monarch* [2016] 1 Lloyd's Rep. 1 in which the Court made an order for sale of cargo afloat on application of lien-holder time charterer (led by Andrew Baker QC).

- One-week arbitration hearing and related s.69 appeal regarding use of armed guards off the east coast of Africa and the reasonableness of OPEX (led by Michael Ashcroft QC).

Construction

Alex has been instructed in a number of construction disputes, including a dispute involving the fit-out of a military airplane (led by Duncan Matthews QC), another dispute involving the fit-out of a VVIP airplane (led by Timothy Hill QC), as well as various shipbuilding cases.

Energy

Alex has experience of Energy disputes, including a substantial dispute in respect of a royalty agreement concerning offshore oil and gas exploration (led by Duncan Matthews QC).

Private international law

Issues of Private International Law arise in many of Alex's cases. By way of recent example, Alex was junior counsel in a two-day hearing in respect of a challenge to the tribunal's jurisdiction (led by Timothy Hill QC) and also appeared for a successful claimant in respect of anti-suit relief from an arbitral tribunal in respect of proceedings in an EU state (led by Thomas Raphael QC). Alex has also appeared several times before the Commercial Court (led and unled) in matters concerning anti-suit injunctions.

Arbitration

Alex is regularly asked to advise on procedure and evidence in the context of arbitration, including in relation to proceedings under UNCITRAL, LMAA, ICC, LCIA, SIAC, GAFTA, FOSFA, and Sugar Association rules.

Further, Alex has acted in a number of ss. 67, 68 and 69 appeals, including recently appearing in the Commercial Court (together with Michael Ashcroft QC) in *A v B* [2017] EWHC 3557 (Comm) and in various related confidential application hearings during the course of 2019 (unled).

Civil fraud

Alex is regularly instructed in relation to matters involving Civil Fraud, including a dispute concerning an alleged shareholder fraud (which has involved several appearances in the Chancery Division, led by Timothy Hill QC and Thomas Raphael QC) and a trial in the Commercial Court concerning an alleged fraud against a hedge fund (led by Michael Ashcroft QC).

Company law

Alex has a detailed knowledge of Company Law, having taught the undergraduate course at Cambridge. Alex's cases often involve issues of Company Law, including recently appearing in the Chancery Division for the defendant directors in a derivative claim.