

Alex Carless

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Overview

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

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

Alex has spent time at an international bank in London and a defence club in Oslo.

Alex holds degrees from the University of Cambridge (Law, Double First) and the University of Oxford (BCL, Distinction).

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* (Admiralty Court, Court of Appeal and Supreme Court) – case concerning the grounding of a new US\$120 million containership off the port of Xiamen with US\$400 million worth of cargo on board. The Court of Appeal judgment is the leading authority on the nature of the unseaworthiness obligation under the Hague Visby Rules. The appeal to the Supreme Court was heard (in person) in July 2021 and a decision is awaited. Alex has been involved in the case since the trial in the Admiralty Court. Led by Timothy Hill QC.

- LCIA arbitration (2019-2020) – case concerning the sale of shares in a power-generation group and allegations of breach of warranty, in particular as to the post-completion delays to one of the principal power-generation projects. One week hearing in 2020.
- *Black & Veatch v KazStroyService Global* (since 2019 and ongoing) – case in the Technology and Construction Court concerning a substantial infrastructure EPC project in India. Dispute regarding delays to completion and increases in scope. Important judgment on preliminary issue regarding the construction of guarantees and equitable set-off ([2021] EWHC 2104 (QB)). Alex is acting unled against QCs on the other side.
- Ad hoc arbitration (2017-2019) – wide-ranging dispute involving a family shipping business, with 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 interlocutory 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 in two significant arbitration hearings.
- 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.

By way of example:

- Since 2020, Alex has been instructed for a major trading house in a dispute concerning contaminated crude oil. The case is listed for two-week trial in January 2022. Led by David Lewis QC.
- From 2020-2021, Alex was involved in a dispute under a sale contract concerning the supply of LNG in the US (culminating in a one-week arbitration hearing in 2021).
- In 2020, Alex appeared in a one-week LCIA arbitration hearing arising out of a failure to open a letter of credit on time and involving complicated issues regarding quantum of damages.

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. He regularly appears before arbitral tribunals, the Commercial Court, the Admiralty Judge and the Admiralty Registrar.

Recent highlights include:

- A case in the Supreme Court concerning the grounding of a container ship off Xiamen (Alex also appeared at first instance and in the Court of Appeal: see *CMA CGM LIBRA* [2020] EWCA Civ 293). Led by Timothy Hill QC.
- A dispute in the Commercial Court (and a related LMAA arbitration) concerning a joint venture for the purchase and operation of a fleet of chemical tankers (with various interlocutory hearings, at which Alex appeared both led and unled).
- Various collision claims in the Admiralty Court.
- A dispute in the Commercial Court concerning demurrage time bars (*Amalie Essberger* [2020] 1 Lloyd's Law Reports 393).
- A limitation claim concerning a major casualty on board a container ship (with Alex obtaining a general limitation decree from the Admiralty Judge).
- A dispute in the Commercial Court concerning a ship being traded in breach of the scrappage clause in the sale contract (*Priyanka Shipping v Glory Bulk (The "CSK Glory")* [2020] 1 Lloyd's Rep 461 – led by Timothy Hill QC).
- A 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 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.

Most recently, Alex was instructed by an investment company in relation to a contractual dispute with a renewable power company over the commissioning of a wind power project in India. The dispute arose under a share sale and purchase agreement, with the buyer alleging breach of warranty as regards the status of the project due to post-completion delays in commissioning.

Alex is also instructed in an on-going matter before the TCC regarding the construction of an LNG plant in India. This dispute involves allegations regarding responsibility for delays to the project and increases in scope under the EPC contract and related consortium agreement.

Alex has also been involved in, amongst other things, 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 in the construction context (as set out above). Amongst other things, Alex was instructed in 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, 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. This has included most recently various related applications to the Commercial Court for injunctive relief against "persons unknown" who had perpetrated a push payment fraud. Alex has also been instructed in, for example, a significant dispute concerning fraud in the context of FFA trading (Commercial Court, led by Timothy Hill QC), 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.

Recommendations

Alex's written product is very, very good. [Chambers UK 2023](#)

Good at wrestling with complex issues and drafts thorough, nuanced opinions which do not overwhelm the reader. [Chambers UK 2023](#)

Alex's written product is very, very good." "He is knowledgeable and user-friendly. [Chambers Global 2022](#)

Very capable, reasoned and with excellent writing skills. He is also a good cross examiner and advocate. [The Legal 500 UK Bar 2022](#)

Good at wrestling with complex issues and drafts thorough, nuanced opinions which do not overwhelm the reader. [Chambers Global 2022](#)