



Henry Ashwell

Call: 2017

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Practice Profile

Henry has a broad commercial practice, encompassing a variety of practice areas including shipping, insurance and reinsurance, professional negligence and civil fraud.

Henry is regularly instructed in a variety of domestic and international commercial matters, both as sole counsel and as a junior. He has completed secondments at several leading City law firms and has appeared as sole counsel in arbitration, the High Court and the County Court and as a junior in the Commercial Court.

Examples of recent instructions include:

- Acting as junior counsel in a number of major professional negligence disputes against auditors and solicitors;
- Acting as junior counsel in a \$50 million Bermuda Form insurance arbitration;
- Acting as junior counsel in a €50m international arbitration concerning repayment of a loan;
- Acting as junior counsel in a s9 Arbitration Act 1996 hearing in the Commercial Court;
- ***Kyla Shipping Co Ltd and another v Freight Trading Ltd and others [2022] EWHC 1625 (Comm)***: junior counsel in a lengthy Commercial Court trial concerning fraudulent trading of forward freight agreements (FFAs);
- Acting as sole counsel in a collision claim in the Admiralty Court.

Please contact the clerks if you are interested in instructing Henry.

Shipping

Henry has experience of a wide variety of disputes in the shipping sector, both wet and dry. He is regularly instructed as sole counsel in international arbitrations and the High Court.

Recent instructions include:

- Instructed as sole counsel in an arbitration concerning unclean holds on redelivery of a vessel and issues of off-hire relating to suspected cases of Covid-19;
- Instructed as sole counsel in an arbitration relating to the costs of repairs due to alleged stevedore damage to a vessel's holds during loading of a bulk cargo of scrap;
- Instructed as sole counsel in an arbitration relating to the operation of the CONWARTIME 2013 clause in a time charter as a result of the invasion of Ukraine by Russia;
- Instructed to advise on the incidence of deadfreight under a one trip time charter for the transportation of grain in bulk;
- Instructed as sole counsel in an arbitration over the costs of repairing stevedore damage on discharge of scrap cargo and the removal of residue cargo under a trip time charter;
- Instructed as sole counsel in a dispute which proceeded to mediation arising over delays resulting from crew members testing positive for Covid-19, raising issues over safe port warranties, owners' indemnity for complying with charterers' orders and clauses providing for crew illness;
- Instructed as sole counsel in a dispute over the costs associated with a vessel arriving with unclean holds at its load port and the application of off-hire provisions in a time charter;
- Instructed as sole counsel in a multi-party arbitration concerning costs associated with delays due to a vessel grounding after loading;
- ***Old Stone Marine Limited v Pax Navigation Inc.***: acting as sole counsel in a collision claim in the Admiralty Court, including a claim for loss of profits associated with repairs to the vessel;
- ***A.P. Moller Singapore Pte Ltd and Maersk Line A/S v Monava Transporti Internazionali SPA and others***: acting as sole counsel for a group of defendants in a large-scale limitation action;
- Instructed as sole counsel in an arbitration concerning the operation of clauses in a time charter relating to rates of hire dependent upon a vessel's transit of the Panama Canal.

Insurance

- Instructed as junior counsel on a 4-week \$50m Bermuda Form insurance arbitration;

- Acting as sole counsel for the successful claimants in an international reinsurance arbitration, involving issues of misrepresentation, non-disclosure and affirmation;
- Advised on the subrogation of claims arising out of consumer insurance policies;
- Assisted on preparation of an expert opinion for foreign proceedings concerning the English law construction of an insurance policy for vessel repairs;
- Instructed by the claimants in a multi-million-dollar insurance arbitration under New York law concerning an oil pipeline.

Civil Fraud

- ***Kyla Shipping Co Ltd and another v Freight Trading Ltd and others [2022] EWHC 1625 (Comm)***: acted as junior counsel in a complex \$31m civil fraud case relating to the trading of Forward Freight Agreements (FFAs) involving a lengthy trial in the Commercial Court;
- Instructed on a claim to enforce a major confiscation order arising out of historic misappropriation of company funds.

Professional Negligence

- Instructed as junior counsel on multi-million-pound professional negligence claims against solicitors arising out the collapse of a company;
- Instructed as junior counsel on a prospective multi-million-pound claim of audit negligence by an insolvent company for losses arising from dividend payments;
- Instructed as junior counsel on multi-million-pound audit negligence claims by a company in administration against two major auditors relating to fraud and breaches of fiduciary duties by the company's directors.

Commercial Litigation

Commercial litigation (including arbitration) covering a range of legal specialisms forms the bulk of Henry's practice.

Recent cases and disputes include:

- Instructed as junior counsel on multi-million-pound professional negligence claims against solicitors arising out the collapse of a company;
- Acting as junior counsel in a s9 Arbitration Act 1996 hearing in the Commercial Court;
- Instructed as junior counsel on multi-million-pound audit negligence claims by a company in administration against two major auditors relating to fraud and breaches of fiduciary duties by the company's directors.
- ***Kyla Shipping Co Ltd and another v Freight Trading Ltd and others [2022] EWHC 1625 (Comm)***: acted as junior counsel in a complex \$31m civil fraud case relating to the trading of Forward Freight Agreements (FFAs) involving

a lengthy trial in the Commercial Court;

- Instructed as junior counsel on a \$50m Bermuda form insurance arbitration concerning the sale of prescription drugs;
- ***Old Stone Marine Limited v Pax Navigation Inc.***: acting as sole counsel in a collision claim in the Admiralty Court, including a claim for loss of profits associated with repairs to the vessel;
- Instructed as sole counsel in an arbitration concerning unclean holds on redelivery of a vessel and issues of off-hire relating to suspected cases of Covid-19;
- Instructed as sole counsel in an arbitration relating to the costs of repairs due to alleged stevedore damage to a vessel's holds during loading of a bulk cargo of scrap;
- Instructed as sole counsel in an arbitration relating to the operation of the CONWARTIME 2013 clause in a time charter as a result of the invasion of Ukraine by Russia.

International Arbitration

Henry is regularly instructed as both sole and junior counsel in international arbitrations covering a number of practice areas, including shipping and insurance/reinsurance. Examples of recent instructions include:

- Instructed as junior counsel in a €50m international arbitration concerning repayment of a loan;
- Instructed as junior counsel on a \$50m Bermuda Form insurance arbitration;
- Acting as sole counsel for the successful claimants in an international reinsurance arbitration, raising issues of misrepresentation, non-disclosure and affirmation;
- Instructed as sole counsel in an arbitration concerning unclean holds on redelivery of a vessel and issues of off-hire relating to suspected cases of Covid-19;
- Instructed as sole counsel in an arbitration relating to the costs of repairs due to alleged stevedore damage to a vessel's holds during loading of a bulk cargo of scrap;
- Instructed as sole counsel in an arbitration relating to the operation of the CONWARTIME 2013 clause in a time charter as a result of the invasion of Ukraine by Russia;
- Instructed as sole counsel in an arbitration over the costs of repairing stevedore damage on discharge of scrap cargo and the removal of residue cargo under a trip time charter;
- Instructed as sole counsel in an arbitration concerning the operation of clauses in a time charter relating to rates of hire dependent upon a vessel's transit of the Panama Canal.

Education

Sept 2016 – June 2017: Bar Professional Training Course, University of Law: Outstanding

Sept 2015 – June 2016: Graduate Diploma in Law, University of Law: Distinction

Oct 2010 – Jun 2014: Oxford University (New College), BA in Literae Humaniores (Classics): Double First

Scholarships and Awards

Winner of the UK Student Mediation Competition

Exhibition Award for GDL and BPTC (Inner Temple)

Provost's Award for Excellence (University of Law)

Prize for the highest marks on the GDL (University of Law)

Academic scholar (New College, University of Oxford)

Greek Declamation and Recitation Prizes (University of Oxford)

Charles Oldham Scholarship (University of Oxford)