

Andrew Wales KC

Call: 1992 | Silk: 2012

"Andrew has a brilliant mind, piercing logic and creativity which is balanced by common sense and an appreciation of the practicality and commercial realities."

Insurance, Chambers UK Bar 2025



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Andrew Wales KC is well-known for insurance and reinsurance, energy, shipping and professional negligence.

He also has significant experience in civil fraud and general commercial cases. His practice regularly involves issues of jurisdiction and conflict of laws. He regularly appears in the High Court and in arbitration and has also appeared several times in the Privy Council. He is recognised by the directories for his insurance and professional negligence work. Andrew Wales sits as a Recorder in criminal and civil cases.

He is a member of the international panel of maritime arbitrators of the Marine Offshore Oil and Gas Association (MOOGAS) in Singapore.

Expertise

Civil Fraud

Speaker at C5 Fraud Conference in Geneva, March 2017.

Member, Commercial Fraud Lawyers Association.

Selected cases:

- **3D Gold Jewellery Holdings v PWC** (2014) – instructed in a claim against PwC in Hong Kong for HK\$400m alleging audit negligence in failing to detect a very substantial fraud
- **Confidential** (2014) – instructed in relation to claims arising from fraudulent consumer investment schemes involving sustainable energy projects in Cambodia and Brazil
- **Confidential** (2013) – acting for an individual defrauded by his former IFA, who has been convicted of theft and is in prison

- **Confidential** (2014) – acting for the owner of a firm of solicitors which suffered substantial thefts from its client accounts committed by an employee

General Commercial Disputes

Andrew Wales has conducted two full appeals before the Privy Council, one alone and the other being led by Gavin Kealey KC. Both cases related to private share transactions in The Bahamas. Andrew Wales also advises Bahamas-based clients in connection with insurance issues.

Selected cases:

- **Aircraft Purchase Fleet Limited v Compagnia Aerea Italiana S.p.A.** [2018] EWHC 3315 (Comm). Successfully defended a \$260m claim for damages by Aircraft Purchase Fleet Limited (“**APFL**”) on behalf of Compagnia Aerea Italiana SPA (“**CAI**”), the former operator of the Alitalia airline.
- **Sentinel International Ltd. v Robert Cordes** [2008] UKPC 60. Andrew Wales argued an appeal in the Privy Council relating to claims and cross-claims for breach of a contract for the sale of shares in a private company. The decision is now referred to in McGregor on Damages (18th Ed.).
- **Emanuel Alexiou v James A. Campbell** [2007] UKPC 11 – sale and purchase contract for shares embodied in consent order – issue of construction – fair market value

Energy & Natural Resources

Currently instructed in an ICC arbitration (claim for c. €130m) relating to the supply of steel for the South Stream gas pipeline under the Black Sea.

Other selected cases:

- **Markel v Sedgwick** (2002) – High Court, Gross J.; energy construction insurance and reinsurance; avoidance; case settled during trial
- **Amoco v Teesside Gas Transportation Ltd** (2001) – House of Lords; led by Jonathan Sumption Q.C.; CATS North Sea pipeline dispute; construction of contracts; send-or-pay obligations
- **Philips Petroleum v Enron Europe** [1997] C.L.C. 329 – Court of Appeal; led by Sir Sydney Kentridge Q.C.; construction of Take-or-Pay contract
- **Amoco v Teesside Gas Transportation; Philips Petroleum v Enron Europe** (1999) High Court trial led by Anthony Boswood Q.C. – contract dispute relating to CATS pipeline and J-Block field in North Sea
- Acting for owners in a major arbitration concerning the construction of 2 fifth generation semi-submersible oil drilling rigs being built in the USA. Case settled shortly before hearing.

Insurance & Reinsurance

Much of Andrew Wales' work in this area over the last few years has involved insurance issues involving financial institutions and fraud. He has extensive experience of Professional Indemnity and D&O policies, especially for banks and similar institutions. His work has required familiarity with CDO transactions, private equity investments, offering circulars, IPOs, structured finance (e.g. Enron related) and various forms of securitisation.

Selected cases:

- **Confidential** (2015) – international arbitration involving a claim on a bespoke patent infringement liability insurance policy
- **Confidential** (2013-4) – international arbitration involving a claim by a hedge fund administrator on a professional indemnity policy (Cayman Islands law)
- **Confidential** (2015) – two substantial political risk claims relating to Kenya and Libya
- **Standard Life v Ace European Group** [2012] Lloyd's Rep IR 655 – £100m credit crunch claim under a professional indemnity policy
- **David Constable v Bedfordshire Police Authority** [2008] EWHC 1375 (Comm) – insurance; public liability cover for the police; whether coverage for Riot Damages (Act) 1886 compensation
- **Travelers Casualty & Surety v Sun Life Assurance (No. 2)** [2007] Lloyd's Rep. IR Plus 2 – insurance; global excess liability policy; applicable law; breach of warranty and late notification; claim to recover losses incurred during past business review ordered by FSA
- **Travelers Casualty & Surety v Sun Life Assurance** [2004] Lloyd's Rep. IR 846 – insurance; jurisdiction; power to stay; appropriate forum
- **Astrazeneca v CGU** – reinsurance; proof of liability under underlying policy reinsured; appeared in arbitration (then unavailable for High Court appeal reported at [2006] Lloyd's Rep. IR 409)
- **HIH Casualty v Chase Manhattan Bank (HL)** [2003] Lloyd's Rep. IR 230 – Led by Jonathan Sumption Q.C.; House of Lords; film finance; rights of avoidance
- **Markel v Sedgwick and others** (2002 – High Court; Gross J.) – insurance/reinsurance; treaty covering energy construction risks; avoidance; case settled during trial
- **Commercial Union v NRG Victory** [1998] 2 Lloyd's Rep. 600 – reinsurance; proof of liability under underlying policy reinsured
- **Henderson v Merrett Syndicates and others** [1997] L.R.L.R. 247 and 265 – lead Lloyd's long tail names action; only successful claim against Lloyd's syndicate auditor
- Substantial advisory and coverage work, including: advising London market insurers subscribing to the insurance of the **World Trade Center** towers; advising London market insurers in connection with insurances of financial institutions being sued in connection with **Enron**, **Worldcom**, **Global Crossing**, **Parmalat**, **Boxclever**; a CDO transaction.
- Substantial arbitration practice, including significant cases arising out of the **PA LMX** spiral and **Stirling Cooke Brown** business
- Sole arbitrator (2007) – Award made to resolve insurance dispute about alleged exclusion from cover.

International Arbitration

Andrew Wales specialises in areas of commercial work where disputes are regularly determined in international arbitration. He has appeared in several international arbitrations against foreign (notably US) lawyers, both ad hoc and under institutional rules.

In 2015, he is involved in an ICC arbitration (claim for c. €130m) relating to the supply of steel for the South Stream gas pipeline under the Black Sea. In 2014-2015, he was involved in an international arbitration claim on a bespoke policy of patent infringement liability insurance, relating to liability for patent infringement in the pharmaceuticals sector in the USA. In 2013, he was instructed in an \$84m international insurance arbitration under a contract governed by Cayman Islands law and subject to ad hoc London arbitration. He has also recently been instructed in the early stages of a \$40m international arbitration dispute relating to an international contract for the supply of gasoil by a European energy trader to a South American government. In 2013, he also appeared in the Commercial Court in a significant banking-related case involving attempts to enforce an US\$8.5m arbitration award against monies payable by a bank under letters of credit. Andrew Wales has appeared in two recent reported decisions arising from his arbitration practice:

Selected cases:

- **Anglian Water Services v. Laing O'Rourke** [2010] 131 Con LR 94, relating to time bar issues in the context of construction arbitration
- **B v. S** [2011] 2 Lloyd's Rep. 18, relating to the availability of ancillary relief under a standard form arbitration agreement used in some forms of commodities trading contracts

Professional Negligence

Selected cases:

- **3D Gold Jewellery Holdings v PWC** (2014) – instructed in a claim against PwC in Hong Kong for HK\$400m alleging audit negligence in failing to detect a very substantial fraud
- **Confidential** (2013-4) – international arbitration involving a claim by a hedge fund administrator on a professional indemnity policy for professional negligence (Cayman Islands law)
- **Confidential** (2012 – date) – acting in connection with claims arising from the collapse of a major firm of solicitors

Shipping & Transport

Andrew Wales is regularly involved in shipping and international trade disputes, mostly in arbitration. In 2015, this has involved several instructions relating to the sale and purchase of oil. He is also currently instructed in an arbitration relating to the time charter of an oil tanker.

Selected cases:

- **Vitol v Norelf** [1996] A.C. 800 (House of Lords appeal).

Aviation

Selected cases:

- ***Aircraft Purchase Fleet Limited v Compagnia Aerea Italiana S.p.A.*** [2018] EWHC 3315 (Comm). Successfully defended a \$260m claim for damages by Aircraft Purchase Fleet Limited (“**APFL**”) on behalf of Compagnia Aerea Italiana SPA (“**CAI**”), the former operator of the Alitalia airline.

Memberships

Commercial Fraud Lawyers Association

COMBAR

LCLCBA

Education

M.A. (Cantab);

LL.M (University of Virginia) Cambridge: Senior Scholar, Trinity 1989-90;

Wright Rogers Scholar 1988;

Slaughter and May Prize 1990;

Hamson Prize 1990.

Top first class degree in law in the University, 1990.

Gray's Inn: Arden Scholar 1992;

Prince of Wales Scholar 1991;

Inns of Court Studentship.

Macaskie Award. BACFI Prize.

Classed as 'Outstanding' for the BVC.