

N G Casey KC

Call: 2005 | Silk: 2023

“N G Casey is a master at pinning experts into corners to extract the best responses from them.”

Shipping & Commodities, Chambers UK Bar 2026



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Noel Casey KC has consistently been recognised in the legal directories as an “excellent advocate” and a “great cross-examiner”. He is also a qualified Chartered Accountant.

He acts in disputes arising out of a wide range of contracts, from share purchase agreements to reinsurance treaties, from charterparties to derivative instruments. He also has extensive experience of contempt motions, enforcement proceedings, and applications for the full range of injunctive relief (including freezing injunctions, search orders, electronic disclosure orders, passport orders, anti-suit injunctions and prohibitory mandatory injunctions).

Before coming to the Bar, Noel spent six years working at PricewaterhouseCoopers in its financial services division. As a consequence, he has an understanding of the mechanics of business and the commercial dimensions of legal disputes. He is able to distil complicated financial data into simple and persuasive propositions.

Expertise

Commercial Litigation

Selected cases:

- Noel is currently instructed on claim for breach of warranty in the context of the sale of a IT consultancy business.
- Noel recently acted on a substantial confidential arbitration arising out of the sale of shares in a business based in West Africa.
- Noel acted for a claimant alleging breach of a contract for the provision of security services in a war zone.
- **Lakatamia v Morimoto**: Noel acted for Lakatamia in its successful claim against Toshiko Morimoto, also known as Madam Su, the mother of the shipping magnate Nobu Su. Lakatamia claimed that Madam Su had conspired with Mr Su to defeat the efforts of Lakatamia to enforce an earlier judgment in its favour. Its case was vindicated, and the Judge confirmed the existence of a new

tort: viz the Marex tort (procuring a failure to honour a judgment debt).

- **Lakatamia v Nobu Su**: Noel has also acted for Lakatamia in the related proceedings against Mr Su. These proceedings have involved (in the words of Sir Michael Burton GBE) “*perhaps ... the most serious campaign of contempt in the English courts*”. Mr Su has been committed to prison on three occasions. Lakatamia has also obtained a wide variety of relief including search orders (both physical and electronic) and orders directing the transfer of assets.
- **Lakatamia v Nobu Su** [2021] 1 W.L.R. 1097: Noel acted unled on this successful application for retrospective permission to make collateral use of documents obtained pursuant to a search order against Mr Su in the proceedings against his mother.
- **Trinity v Goonewardena**: Noel represented the Chairman of a clothing importer against a claim that he had participated in a fraudulent conspiracy to obtain the release of consignments of clothing without the presentation of valid bills of lading. After a two-week Commercial Court trial, that claim was dismissed.
- Noel has acted in a number of LCIA arbitrations involving the sale of substantial businesses and industrial concerns in the former Soviet Union.

Shipping & Transport

Selected cases:

- Noel has extensive experience of claims for brokerage on the sale of luxury yachts, having represented brokers seeking commission under the MYBA form.
- Noel recently obtained a prohibitory injunction on behalf of the buyers of a very valuable commercial vessel, preventing the seller from taking steps to sell her to a third party.
- Noel has recently acted on a substantial arbitration arising out of a contract for the provision of service vessels to a substantial construction project in the CIS.
- Noel acted on a successful claim for breach of a contract for the sale of a container vessel.
- Noel recently acted on a charterparty claim arising out of the failure of a refrigerated vessel to maintain a sufficiently low temperature.
- **France v Discovery Yachts** [2019] EWHC 3553 (Comm): Noel acted for Andrew France in his successful claim against Discovery Yachts for defects in a new-build sailing yacht. The claim was reported in the national press under the sobriquet “*HMS Disappointment*”. In circumstances where Mr France’s contractual counterparty was insolvent, Noel successfully argued that the parent company of the Discovery Yachts group had assumed responsibility for the repair of defects.
- Noel has represented the purchaser of a luxury yacht in an arbitration arising out of the applicable yacht construction agreement. The dispute covered a number of technical yacht-building issues, many of which Noel has dealt with unled.
- Noel acted on behalf of the charterers of three vessels in a reference to arbitration which resolved various disputes about the calculation of hire and the responsibility for various costs that owners were seeking to allocate to charterers.
- **Xstrata Coal Queensland & Others v Benxi** [2016] EWHC 2022 (Comm). Noel (led by David Lewis KC of 20 Essex Street) successfully represented the applicants on an application for an extension of the time allowed to apply to an arbitral tribunal for correction of an award.
- Noel (led by David Allen KC) acted for the purchaser of a luxury yacht in an arbitration dealing with the yacht’s technical performance.
- Noel acted for charterers in a reference arising out of the supply of contaminated bunkers.

- Noel represented the owners of a luxury yacht in a substantial arbitration spanning several weeks. The reference raised both intellectual property and practical shipbuilding issues. Noel was led by David Allen KC at the main hearing, but dealt with all interlocutory matters himself.
- Noel represented the owners of a vessel in a Hong Kong arbitration arising out of a charterparty. The key question was the identity of the owners' contractual counterparty.
- Noel represented the claimant owner in an arbitration arising out of an incident of crane damage. The case necessitated extensive cross-examination of experts on engineering and metallurgy.
- **The Falkonera** [2013] 1 Lloyd's Rep. 582. Noel (led by David Allen KC) acted for the successful defendants. The defendants were the charterers of a Very Large Crude Carrier (VLCC). They asked the owners to approve a ship-to-ship transfer with another VLCC. The owners refused. The central question at trial was whether or not that refusal was reasonable.
- **The Kyla** [2013] 1 Lloyd's Rep. 565. This case raised the question of whether or not a charterparty was frustrated when the subject vessel was damaged in the course of service. In the original arbitration, it was held that the charterparty was frustrated. On appeal to the Commercial Court, Flaux J. held that it was not. Noel (led by Dominic Kendrick KC) acted for the successful charterers.
- **Azimut-Benetti v Healey** [2011] 1 Lloyd's Rep. 473. Noel acted for the defendant on an application for summary judgment. The application centred on the question of whether or not a liquidated damages clause in a yacht construction contract was enforceable.
- **Berezovsky v Edmiston & Company** [2011] 1 Lloyd's Rep. 419. Noel (led by Stephen Hofmeyr KC) acted for Edmiston & Co on its successful claim for brokerage against the late Boris Berezovsky.
- Noel was instructed as junior counsel in an arbitration under a charterparty on an amended BHPTIME form. This reference involved issues of construction and estoppel by convention.
- Noel acted as junior counsel for the claimants in a shipbuilding arbitration. The question before the arbitrators was whether or not the buyers of a new-build vessel were entitled to cancel the shipbuilding contract for delay.
- Noel acted for the claimant in an arbitration under the rules of the Mediterranean Yacht Brokers' Association. The reference centred on allegations of misrepresentation.
- **The Eternity** [2009] 1 Lloyd's Rep 107. Noel was instructed as junior to Gavin Kealey KC in this case which involved a consideration of: the effect of the incorporation of the Hague-Visby Rules into a charterparty on the BP Voy form; and the operation of the demurrage provisions in that form.
- Noel was instructed as junior counsel in a two and a half week LMAA arbitration between a P&I Club and one of its members.

Insurance & Reinsurance

Selected cases:

- Noel currently acts for Greensill Bank AG in its claim against Zurich under trade credit policies following the collapse of the Greensill group.
- Noel is currently instructed for the defendant brokers in a substantial claim relating to the broking of a policy of marine insurance.
- Noel is instructed to act on behalf of the lessor of an aircraft on a claim under a Hull All Risks Policy (unrelated to the Russian aircraft litigation).

- **Peabody Trust v National House-Building Council** [2024] Lloyd's Rep. I.R. 717: Noel successfully resisted the NHBC's application for summary judgment on a limitation point. The Court accepted that the insured peril was not the insolvency of the contractor, but the risk that Peabody would have to pay more to complete a construction project as a consequence of that insolvency.
- Noel is instructed to represent a reinsurer in the current Russian Aircraft litigation.
- Noel has acted on a number of confidential cases about the calculation of a final account on the sale of a book of reinsurance business.
- Noel acted for an insurance broker in a claim for professional negligence arising out of a shortfall in cover under a company's business interruption insurance. The case raised issues about the interplay between the responsibilities of an insurance broker and its client's auditor in the context of completing a proposal form containing information derived from the client's accounts.
- Noel acted in a confidential arbitration arising out of the sale of a book of business in run-off. The case raised forensic accounting issues on the valuation and reporting of reserves.
- Noel has been instructed by a number of insureds on claims under their business interruption cover for losses sustained as a consequence of the COVID-19 pandemic. Cases have involved businesses in the hospitality sector and various academic institutions.
- Noel has recently advised an insurer on issues arising out of the fire at the Grenfell Tower.
- Noel (led by Richard Southern KC) acted for insurance brokers in a claim for alleged negligence in the broking of a business interruption and property insurance policy.
- Noel (led by Alistair Schaff KC) acted for London Market insurers on a claim against reinsurers for cover of a book of employers' liability business.
- **Horwood v Land of Leather** [2010] Lloyd's Rep. I.R. 453. Noel acted for the Claimants in an insurance coverage dispute arising out of the "Toxic Sofa" litigation. He was led by Stephen Hofmeyr KC. The issues before the Court included: the proper construction of a settlement agreement; whether or not that settlement agreement was supported by good consideration; and the extent of an insured's duty to protect his insurer's rights of subrogation.
- Noel was instructed in a substantial London Market insurance arbitration about the proper calculation of an insured's loss under an all risks property and business interruption policy.

Banking & Finance

Selected cases:

- **The Argo Fund v Arcelor Mittal**: Noel acted for The Argo Fund on its claim that the Defendants had unlawfully conspired to vote against a resolution of accelerate loan notes.
- Noel frequently advises on the proper categorisation of financial instruments for regulatory purposes.
- Noel is currently acting for a bank in the context of a claim that it has made unauthorised investments on a client's account.
- Noel has acted for the buyer of a business in a breach of warranty claim. His background as a Chartered Accountant allowed him to act as a conduit between the legal team and the experts on valuation issues.
- Noel acted for the buyer of a derivative product that gave a synthetic leveraged exposure to two portfolios of hedge funds.

Professional Negligence

Selected cases:

- Noel is currently instructed in a substantial audit negligence claim on behalf the auditors.
- Noel has acted on a number of confidential investigations by the Financial Reporting Council into the conduct of various audits across a number of different industries.
- Noel has extensive experience of claims against professionals, including insurance brokers and accountants.
- He has recently acted on two substantial matters: a claim against insurance brokers arising out of the renewal of a combined commercial insurance policy; and a claim against auditors for an alleged failure to identify material misstatements in the accounts of a publicly listed company.
- Noel has acted for and against solicitors in claims brought by former clients.

Public Law & Public International Law

Selected cases:

- Noel recently obtained an anti-suit injunction in circumstances where his client's counterparty had started proceedings in another jurisdiction in breach of an arbitration clause.
- **J v K** [2019] 1 Lloyd's Rep. 323: Noel acted for the purchaser of a luxury yacht on an application by the builder of that yacht challenging the jurisdiction of an arbitral tribunal. The builder contended that the tribunal had no jurisdiction to overturn the decision of an independent expert who had been appointed pursuant to a yacht construction agreement to resolve a dispute between the parties. Noel successfully argued that the tribunal did have jurisdiction.
- **Masri v Consolidated Contractors International Company SAL** [2011] E.W.H.C 1780 (Comm). Noel was instructed to appear (as junior counsel) at a jurisdiction hearing in the long-running Masri litigation.
- He was also instructed to assist in the preparation for the appeal to the House of Lords in **Fiona Trust v Privalov** [2007] U.K.H.L. 40, a case which involved consideration of the proper construction of arbitration and jurisdiction clauses and the principle of the separability of arbitration clauses.

Education

Noel studied English at Worcester College, Oxford. He joined PricewaterhouseCoopers in 1997, where he qualified as a Chartered Accountant. He spent six years at PwC, working in the financial services division. Between 2003 and 2005, Noel studied at the College of Law. He was called to the Bar in 2005.