

Peter Ferrer

Call: 1998

"Peter is clever, hard-working and a true gentleman. He focuses on creating winning strategies and delivering them calmly and effectively."

Chambers Global, 2025



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Peter Ferrer is an experienced and robust trial lawyer practising in a wide range of commercial matters in England and Wales, the British Virgin Islands and in international arbitration.

He is a trusted adviser to private individuals, corporations, office holders and governments. Peter has appeared at every court level including both Courts of Appeal of England and Wales and the Eastern Caribbean Supreme Court, the United Kingdom Supreme Court and the Judicial Committee of the Privy Council.

Prior to joining chambers, Peter was Co-Global Head of Harneys' Litigation, Insolvency and Restructuring team based in the British Virgin Islands. He is known for his approachable manner combined with first class legal skills and his law firm experience means he understands law firm dynamics and the importance of teamwork. He is regularly recommended in the global legal directories.

Peter has acted as an expert in various jurisdictions including the United States, Singapore and Pakistan. He served on the British Virgin Islands Commercial Court Users committee and the British Virgin Islands Civil Procedural Rules steering committee. He is a former member of the BVI IAC Arbitration Committee. He has acted as arbitrator and mediator and accepts appointments for both.

He undertakes all forms of advocacy including drafting and advisory work in the following fields:

- Offshore disputes involving joint ventures, companies, directors' liabilities and shareholder disputes.
- Insolvency and Restructuring, particularly relating to BVI company structures.
- Asset tracing and enforcement.
- Fraud including relating to cryptocurrencies.
- Shipping including charter party and bill of lading disputes, ship sale and construction disputes.
- Commercial litigation.
- Insurance and Reinsurance.
- International Arbitration including ad hoc, ICC, LCIA, JAMS, AAA and BVI IAC.
- Injunctive Relief including Norwich Pharmacal Orders, freezing injunctions (domestic and worldwide) and anti-suit injunctions.

Expertise

Offshore

Peter has extensive experience of offshore and BVI-related disputes, having spent nine years in the British Virgin Islands and having served as Co-Global Head of the Litigation, Insolvency and Restructuring team at Harneys. He has appeared in the BVI Commercial Court, the ECSC Court of Appeal and the Privy Council. His reported cases include:

- **China Fisheries/Pacific Andes** – Advising liquidators of a number of Pacific Andes entities connected with a high-profile US\$1.6 billion insolvency matter involving multiple proceedings in the US, Hong Kong and Cayman.
- **RongXingDa Development** – Acting in relation to a large PRC real estate company's scheme of arrangement relating to a US\$800 million debt restructuring.
- **Century Sunshine** – Acting in relation to the 'light touch' provisional liquidation of Chinese fertiliser group Century Sunshine to aid its restructuring.
- **Ocean Sino** – Acting for joint liquidators in relation to the alleged asset stripping of a large commodities and chartering business.
- **J Trust Asia Pte v Mitsui Konoshita & ors** – Acting for the Claimant in the recovery of a US\$200 million fraudulent misrepresentation claim concerning proceedings in BVI, Singapore, Thailand, Luxembourg and Cambodia.
- **Green Elite (in liquidation) v Fang Ankong & ors** – Acting for the office holder (Teneo) in relation to a liquidators' claim against former directors for alleged breaches of fiduciary duty and unlawful means conspiracy from first instance to the Privy Council.
- **UVW x XYV** – One of the leading cases on Norwich Pharmacal relief.
- **Iszo Capital v Nam Tai** – Acting for the only successful defendant on a PIPE subscription claim.
- **Tungshu Venus Holdings Limited v Zhang Rui Kang** – Substantial injustice test under section 157(2)(b) of the BVI Insolvency Act.
- **Charles Peterson v Douglas Riegels** – Scope of risk of dissipation test for freezing injunction.
- **SPA II Guangdong Ltd v Favor Sharp Enterprises Limited** – Stay of proceedings and resisting interim application to convene a meeting of board of directors.
- **Harvest Network Limited v CHC Investment Holdings Limited** – Scope of derivative action order.
- **AQF v XIO et al** – Freezing injunction against persons unknown identified by their digital wallets.
- Acting on a US\$2.9 billion shareholder dispute concerning the installation and development of mobile telephones and wireless communications servicing in Iraq, including one of the first under-sea cable lines to Iraq.

Shipping

Peter has acted on behalf of owners, charterers, P&I clubs, port authorities, shipyards, trading houses, transport companies and numerous shipping firms worldwide. He has considerable experience of disputes arising out of NYPE, SHELLTIME, GENCON, ASBATANKVOY, BPVOY, and Inter Club Agreement. He has particular strength in 'document heavy' technical cases. His cases include:

- **The New Flamenco – Fulton Shipping Inc of Panama v Globalia Business Travel S.A.U.** [2017] UKSC 43: Supreme Court authority on

mitigation of loss by an innocent shipowner when faced with a repudiatory breach by charterers.

- ***Newland Shipping & Forwarding Ltd v Toba Trading FZC*** [2014] EWHC 864, EWHC 661: A US\$4 million case on contractual rights to terminate and acceptance of repudiation.
- ***Finmoon Ltd v Baltic Reefers Management Ltd*** [2012] EWHC 920: Notices of arbitration, estoppels and bills of lading.

His other experience includes:

- A complex multi-million dollar LMAA arbitration on an amended ASBATANKVOY form acting on behalf of Japanese interests involving allegation of unseaworthiness in the mooring equipment.
- A US\$2 million LMAA arbitration under an NYPE 1946 form involving a fire in a cargo hold caused by fumigants.
- A US\$90 million LMAA dangerous cargo arbitration causing the loss of a vessel due to liquefaction of iron ores fine off the coast of Mangalore.
- A two week LMAA arbitration regarding damaged sugar cargo due to water ingress through hatch covers.
- A US\$10 million LMAA arbitration acting for a well known Spanish shipyard in a US\$10 million refit claim involving a fire in the main engine room.
- A US\$30 million LMAA arbitration concerning unsafe port claim in Chittagong.
- Acting in relation to US\$8 million lease and purchase agreement for containers (settled before trial).
- Acting for the successful party in a substantial arbitration involving issues of brokers authority.
- A US\$4 million LMAA arbitration concerning contaminated bunkers.
- A US\$3 million LMAA concerning a main engine failure.

He has extensive experience of disputes under letters of credit and commodity disputes including GAFTA and FOSFA. He acted on behalf of the successful Nigeria Buyers against Chinese Sellers in a US\$15 million ICC arbitration under the Vienna Convention on International Sale of Goods 1980 (CISG) in connection with the sale of cement. He also acted for the successful party in a Paris ICC arbitration in one of the first cases involving an ICC arbitrator emergency powers.

Other cases include:

- ***Riva Bella SA v Tamsen Yacht GmbH*** [2011] EWHC 1434- a US\$10 million claim involving alleged deficiencies in a superyacht.
- ***Sony Computer Entertainment Ltd v (1) RH Freight Services Ltd (2) Jordan Freight (3) Gunther Konig Transport GmbH Speditionsunternehmen (Simon J)*** [2007] EWHC 302 (Comm) Stay of proceedings pursuant to Reg. 44/2001, Art 28 in favour of Dutch proceedings.
- ***Torch Offshore LLC v Cable Shipping Inc*** [2004] EWHC 787 (Comm) Cooke J: challenge to arbitration award involving serious irregularity, distinction between issue and claim, whether application barred under section 57 (3) by failure to apply to arbitrators under slip rule. Scope of the slip rule.
- ***Minermet SPA Milan v Luckyfield Shipping Corp SA*** [2004] EWHC 729 (Comm) Cooke J: involving appointment of sole arbitrator under GENCON charter party and whether any risk of substantial injustice.
- ***David Del Curto and Others v Compania Sudamericana de Vapores SA "The Swan Ocean"*** [2004] CLCC Mercantile List: cargo claim in relation to the deterioration of Chilean Kiwifruit – failure to care for cargo – inherent vice.
- He acted for slot charterers in the MSC NAPOLI whose right to limit was upheld in *Metvale v Monsanto International SARL* [2009] 1 Lloyds Rep. 246. He also acted for the successful cargo interests in the sinking of the SUN CROSS (***Owners of the cargo***)

lately laden on board the SUN CROSS v Owners /and/or demise charterers of the RICKMERS GENOA [2010] EWHC 1949).

- Peter acted for the defendants in relation to a fatal accident claim on a fishing vessel involving issues of health and safety at work (*Welburn v (1) Evert M Ltd, (2) Rocdan Ltd* [2002] EWHC 2034 (Steel J)).

Commercial Litigation

Peter undertakes a wide range of commercial work including civil fraud, international sale of goods, asset finance litigation and professional negligence actions. He regularly advises on matters involving conflicts of law and jurisdictional issues. His experience includes:

- Acting on behalf of Charles Stanley in a claim for margin involving the effect of the nationalisation of Northern Rock plc on the LIFFE Rules.
- Acting on behalf of a Japanese entity in a trademark dispute.
- Acting on behalf of Iranian interests in a trading dispute with a Turkmenistani company.
- Acting involved in enforcement proceedings in relation to a judgment of Supreme Court of British Columbia under the Foreign Judgments (Reciprocal Enforcement) Act 1933.
- Acting in relation to a tracing claim and enforcement of an Arizona Superior Court Judgment in the context of Holocaust Era artwork.
- Acting on behalf of a major oil trading house in a dispute over a multimillion pound commission allegedly owed to an oil trader.
- Acting in several Multi Trader Intra-Community VAT fraud and dishonest assistance cases in excess of £34m.
- Acting in relation to an alleged pension mis-selling claim against a well known investment bank (settled before trial).
- Acting on behalf of the East Riding of Yorkshire council successfully obtaining an injunction against various parties to allow the completion of work to the terminal structure near Spurn Head Humberside by ordering the removal of persons from the area.
- Acting in relation to an EFT payment processor under the Visa and Mastercard Scheme Rules.
- Acting for a sponsor in relation to a dispute with Notts County Football Club (settled before trial).
- Acting in relation to a multimillion pound product liability claim arising out of the failure of a nose landing gear on a BAE manufactured aircraft (settled before trial).
- Acting in relation to a commercial arbitration involving issues of brokers authority.

Peter has broad commercial experience acting on behalf of and against banks and financial institutions. His experience includes disputes under documentary credits and guarantees, banking operations and investment advice. His cases include:

- *Lancore v Barclays Bank* [2009] EWCA Civ 752 (he acted for a Payment Services Provider in a claim arising out of the Bank's role as merchant acquirer in the credit card payment system and the availability of an illegality defence; an appeal is pending for April 2009).
- *Fortune Hong Kong Trading Ltd v Cosco-Feoso* [2002] EWHC 79 (Comm. Ct.) (Construction of a letter of indemnity involving the Hong Kong Money Lenders Ordinance, the law of guarantees and measure of damages for fraudulent misrepresentation).
- *Gangway Ltd v Caledonian Park Investments (Jersey) Ltd* [2001] 2 Lloyd's Rep 715 (Comm. Ct.) (Realization of Bank's security when assets covered by a freezing order).

- He acted in relation to a futures hedging dispute under ISDA Master Agreement for Japanese commodity traders.
- He acted in relation to a US\$8 million asset finance claim (involving a lease and purchase agreement for containers).

Arbitration

The majority of Peter's work is of an international nature. He has extensive experience in arbitration under a variety of rules including ad hoc, ICC, LCIA, AAA, BVI IAC and LMAA. The subject matter of the arbitrations include international trade, the offshore industry, oil and gas disputes, JV disputes and shareholder disputes.

Insurance

Peter has broad insurance and reinsurance experience in marine and non-marine insurance acting on behalf of assureds, underwriters and brokers. His experience includes:

- Acting for underwriters in relation to an Industrial All Risks Policy and Business Interruption Policy in relation to a steel plant in Malaysia.
- Acting for underwrites in relation to a US\$5 million claim involving coverage issues under a Legal Expenses policy.
- Acting for the assured in relation to a coverage dispute arising out of a fire at the assured premises.
- Acting for underwriters in a multimillion pound reinsurance claim in the Commercial Court (settled before trial).
- Acting for underwriters in relation to a professional indemnity policy (IFAs) involving Isle of Man proceedings against the financial adviser.
- Acting in relation to a multimillion pound claim for an indemnity under a Container, Trailer and Equipment policy concerning the claims control clause and alleged breach of conditions precedent.
- Acting on behalf of the assured in a marine policy related to the constructive total loss of a yacht in the Bay of Biscay, involving issues of suspensive warranties and sue and labour provisions.
- Acting for underwriters in relation to a professional indemnity policy (architects) involving coverage issues due to alleged non-compliance with the notification provisions in the policy.

Aviation

Peter has acted on behalf of airlines, airports, manufacturers and insurers.

He has particular aviation experience in relation to manufacturer liability claims including acting on behalf of Honeywell in relation to the litigation arising out of the nose landing gear collapse in Manchester and acting on behalf of the Nimrod Review appointed by the Secretary of State for Defence at the inquest into the deaths of the 14 personnel on Nimrod XV230.

Publications

- Expedited International Arbitration, Policies, Rules and Procedures, Wolters Kluwer ed. Anderson and Verbist, Chapter 17, “The Development of Expedited Arbitrations in the Offshore Space” (2024), Ferrer, Mcfarlane and Petkovic.
- Global Restructuring Review, “Schemes of Arrangements in China-related debt”, 27 November 2023.
- Global Restructuring Review, “Just and Equitable Winding Up: an underutilized remedy for aggrieved shareholders?”, 1 August 2022.
- Global Arbitration Review, “Freezing Injunctions against non-signatories in the British Virgin Islands”, 25 February 2022.
- Butterworths Commercial Court and Arbitration Pleadings, Tottel Publishing, 2005, Arbitration Chapter.
- Atkin’s Encyclopedia of Court Forms, 2nd Edition, Vol 22(1), London, 2001, Butterworths, Insurance Chapter.

Education & Scholarships

Education:

- King’s College London (LLM) 2009 (merit)
- City University (Dip Law) 1997 (merit)
- Cardiff University (BA) 1995 Modern Languages (First)

Scholarships:

- Inner Temple Major Scholar 1996-1997, 1997-1998
- Cardiff University Williams Prize for German

Languages

German, Italian (Fluent)

Polish (Conversational fluency)

Bar Admissions

British Virgin Islands 2016

England and Wales 1998