

# Ishfaq Ahmed

Call: 1999

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## Private International Law Profile

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Ishfaq Ahmed has been practising at the Commercial and Admiralty Bar since October 2000 representing and advising in a wide range of commercial, shipping and employment litigation and arbitration.

Ishfaq is a Member of the Commercial Bar Association, the London Shipping Law Centre, the Employment Law Bar Association, the Chartered Institute of Arbitrators, the Employment Lawyers Association, the Industrial Law Society, the Institute of Employment Rights, YSIAC and of Lincoln's Inn. He is fluent in Urdu, has a working knowledge of French and is able to read and understand some Arabic and Persian script.

### International Trade

FOB/CIF sale contracts.

Documentary credits and associated finance .

### Arbitration

International and domestic maritime and commercial arbitration.

Lloyds Form Salvage Arbitration.

### Insurance

Disputes as to coverage and non-disclosure.

Construction of policies.

### Private International law

Anti-Suit Injunctions and other jurisdictional and interim relief.

Brussels/Lugano Conventions & Council Regulation (EC) No 44/2001.

Choice of law for contractual and non-contractual obligations: Rome I Regulation (EC) No. 593/2008 and Rome II Regulation (EC) No. 864/2007.

## Shipping

Domestic and international carriage of goods;

Charterparty and bill of lading disputes including Hague/Hague-Visby Rules, unseaworthiness claims, unsafe port disputes, disputes as to demurrage, hire and detention, liens.

General Average.

Collision, Salvage & Towage disputes.

Fatal and non-fatal marine accidents.

Maritime Limitation of Liability.

## Employment

All aspects of employment law and related disputes, including contracts of employment (terms, restrictive covenants, interpretation and breach), dismissal (unfair and wrongful dismissal), discrimination, equal pay, redundancy, transfer of undertakings, health and safety (including stress related injury), collective labour law, family friendly rights and other statutory interventions into the employment field (including Working Time Regulations 1998, National Minimum Wage Act 1998 and the Data Protection Act 1998).

## Personal Injury

Advising on liability and quantum in a range of matters including Child Settlement Approval hearings.

## Cases include

Advising and representing in respect of liability for the sinking of a vessel within Defendant's wet berth facility

Advising and representing in respect of collisions between vessels and by vessels with harbour structures raising issues as to liability and betterment.

Charterparty dispute concerning frustration of long term contract of affreightment worth several million dollars.

Regularly advising on the proper interpretation and effect of commercial documents with ad hoc terms and/or incorporating international conventions including bills of lading, charterparties and other contracts. For example, recent advices have related to the proper interpretation and exercise of a lien/cesser of liability clauses, the proper measure of damages, war risks clauses, deviation, deadfreight clauses, package limitation, "knock for knock" provisions in a towage contract, the meaning and effect of ad hoc provisions in ship-building contracts, the Hague/Hague-Visby Rules, the CMR convention and the Warsaw Convention (as amended).

Anti-suit injunctions obtained in respect of foreign proceedings brought in breach of English jurisdiction/arbitration clauses and/or vexatiously.

Advising and representing in court in respect of relief under s.44 Arbitration Act 1996 and applications for freezing injunction and security for costs.

Advising on and representing in respect of applications under s.9 (stay of legal proceedings), s.67 (substantive jurisdiction challenge to award) and s.68 (serious irregularity challenge to award) and appeals on point of law under s.69 Arbitration Act 1996.

Arbitration concerning liability for Charterers' rejection of delivery of gasoil on the basis of faulty discharge machinery raising complex factual, expert and legal issues.

Advising on the application of the Iran sanctions regime and impact on contractual obligations (e.g. Owners' carriage obligations) and subsequent remedies.

Manufacturer's and supplier's liability in respect of faulty parts supplied for ship engines.

Consideration of the Brussels I regulation and the ECJ Owusu v Jackson decision and its impact on jurisdiction clauses and parallel proceedings in respect of non-Regulation states.

Advising on fairness of dismissals.

Advising on whether certain persons were "employees" or not for the purposes of employment legislation.

Representing employer on a Disability Discrimination/unfair dismissal at the London Central Employment Tribunal.

Advice on the proper construction and effect of a restrictive covenants in employment contracts.

Advising on proper procedures to follow in redundancy matters.

#### Recent Articles/Papers:

Grand China Logistics Holding (Group) v Spar Shipping AS [2016] EWCA Civ 982 - Ishfaq Ahmed (October 2016)

PLC Arbitration Blog: Bremaing optimistic: impact on London arbitration following Brexit, with Andrew Dinsmore (July 2016)

The Meaning of "Trip": The Wehr Trave (April 2016)

Direct Actions Against Insurers by Third Parties: the contract takes priority - The Yusuf Cepnioglu [2016] EWCA 386 (April 2016)

PLC Dispute Resolution Blog: Arbitration, litigation and the growth of the common law (March 2016)

Update: The Compensatory Principle - Glory Wealth Shipping PTE Ltd v Flame SA [2016] EWHC 293 (Comm) (Feb 2016)

Jurisdiction Agreements, Declarations, Damages and Compatibility with Regulation 44/2001 A critical discussion of the relationship between section 37 of the Senior Courts Act 1981 and section 44 of the Arbitration Act 1996.

Repudiatory Breach, Damages and the Ability to Perform - The Glory Wealth.

'Clarifying forum shopping in absence of express choice' published in Lloyd's List on 15 December 2010

Employment law update on the cases of Nolan v United States (Court of Appeal, redundancy) and Gisda Cyf v Barrett (Supreme Court, unfair dismissal).

'Ultimate Scope of Vice in Marine Casualties', published in Lloyd's List on 28 October 2010

'Salvage Awards: the Ocean Crown' published in International Trade and Transport Newsletter, Vol. 1, Issue 5

#### Education:

2014 Master of Laws in Commercial Law (Distinction)

2013 Postgraduate Advanced Award in International Commercial Litigation (Distinction)

2012 Postgraduate Advanced Award in International Commercial Arbitration

2007 Postgraduate Advanced Award in Individual Employment Rights (Distinction)

2006 Postgraduate Advanced Award in International Law (General Principles)

1998-99 Inns of Court School of Law: Bar Vocational Course

1995-98 The University of Bristol: First Class Honours in LLB Law Degree

#### Awards and Scholarships:

July 1999 Lincoln's Inn Megarry Scholarship (Pupillage Award)

Feb 1999 Lincoln's Inn Hardwicke Scholarship

Oct 1997 University Scholarship for Result in First Part Final Examinations 1996-7

Nov 1996 Herbert Smith Law Prize for Outstanding Ability Demonstrated in Faculty Qualifying Examinations 1995-96

#### Appointments and Memberships:

2013 External Examiner Bar Professional Training Course in respect of Advocacy, Conference and Resolution of Disputes Out of Court

2015 Chartered Institute of Arbitrators (MCIArb)

