



Rachel Oakeshott

Barrister

Call 2006



Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud and Investigations • Competition • Economic Torts • Energy and Natural Resources • Group Litigation • Guarantees • Injunctions (including worldwide freezing orders and other interim relief) • IT and Telecommunications • Joint Venture Disputes • Jurisdiction and Conflict of Laws • Pharmaceutical Industry • Sale of Goods and Supply of Goods and Services • Share Purchase Disputes • Sports, Media and Entertainment

Overview

Rachel is ranked as a Leading Junior in Commercial Litigation by the Legal 500 2023: *“She is a delight to work with; very bright, responsive, and she quickly gets to grips with both the detail and the strategic big picture points.”* Rachel’s practice covers a broad range of commercial work in litigation and international arbitration (including under LCIA, ICC and UNCITRAL rules). *“She always delivers to the highest standards and is carving out an excellent practice and portfolio of cases.”* (Legal 500, Commercial Litigation, 2022).

Regularly involved in large complex cases working as part of a team, she also has experience appearing without a leader in arbitrations and in the High Court. As well as experience in Chambers’ key areas including banking and financial services, civil fraud, and pharmaceutical disputes, Rachel is currently acting for a FTSE 100 company defending high profile group litigation claims.

Rachel accepts appointments as an arbitrator and has been appointed as an arbitrator by the LCIA Court.

Rachel’s current and recent work includes:

- Acting for a FTSE 100 company defending group litigation claims arising out of the suspension of the Woodford Equity Income Fund

- Acting with Richard Boulton KC for claimant investors in commercial real estate in Ukraine in four Bilateral Investment Treaty claims against the Russian Federation under UNCITRAL rules, resulting in a Final Award in October 2022 (PCA Case 2015-29)
- Acting with Neil Kitchener KC for defendants to a £25 million debt and fraud claim achieving dismissal of the claim following material non-disclosure by the Claimants on an ex parte application: [2021] EWHC 1415 (Comm) [2021] 6 WLUK 12
- Acting for Credit Suisse (UK) Limited in complex fraud proceedings
- Acting with Anthony de Garr Robinson KC for a pharmaceutical company in its USD \$2.7 billion LCIA arbitration claim against a contract manufacturing organisation
- Acting for a life sciences company defending ICC claims arising out of a toll manufacturing agreement concerning poppy straws
- Acting with Stuart Isaacs KC and David Cavender KC for the defendants in two LCIA arbitrations concerning investments of over USD \$1.5 billion in Indian real estate funds
- Acting as sole counsel for Maze sarl, a Luxembourg provider of corporate services, defending claims under Luxembourg law arising out of the sale of Bulgaria's largest telecommunications business Vivacom, at a five day trial of preliminary issues of Luxembourg law in the Commercial Court in December 2017: [2018] EWHC 169 (Comm)
- Advising Seaway Heavy Lifting Offshore Contractors BV on its contractual arrangements regarding the Beatrice Offshore Windfarm Project
- Acting (with Stuart Isaacs KC) for Stuart Wall against The Royal Bank of Scotland in one of The Lawyer's Top 20 cases to watch in 2017. Mr Wall owned the Opal Property Group, once the UK's third largest provider of student accommodation. Mr Wall claimed over £600 million in damages suffered as a result of RBS's fraudulent misrepresentations, breaches of contract and negligence. The case concerned claims of swap mis-selling by RBS, allegations against RBS's Global Restructuring Group, and allegations of LIBOR manipulation. The case was listed for a 12 week trial in the Commercial Court starting in October 2017, but settled shortly before trial

Examples of Recent Cases

Arbitration

Rachel has significant experience in domestic and international disputes under a variety of rules (LCIA, UNCITRAL, ICC and CAS). Rachel also has experience of claims under s.44 and ss. 67-69 of the Arbitration Act 1996 in the Commercial Court.

- Acting with Anthony de Garr Robinson KC for a pharmaceutical company in its USD \$2.7 billion LCIA

arbitration claim against a contract manufacturing organisation

- Acting for a life sciences company defending ICC claims arising out of a toll manufacturing agreement concerning poppy straws
- Acting with Richard Boulton KC for claimant investors in commercial real estate in four Bilateral Investment Treaty claims against the Russian Federation under UNCITRAL rules
- Acting (with David Wolfson KC) for shareholders of an oil and gas company with assets worth US\$ 1.5bn in LCIA proceedings concerning breaches of a share purchase agreement
- Acting (as sole counsel) for a firm of consulting engineers against a Romanian state enterprise in an UNCITRAL arbitration concerning non-payment of fees
- Acting (as sole counsel) for an international steel distributor in €6m LCIA proceedings concerning breaches of contract
- Acting (with Alain Choo Choy KC and Nicholas Sloboda) for SABMiller plc subsidiaries against Diageo plc subsidiaries in ICC proceedings concerning beer distribution rights in Tanzania
- Acting for an aircraft leasing company in an LCIA arbitration in relation to alleged breaches of an aircraft leasing agreement
- Advising a Ukrainian state enterprise in relation to an LCIA arbitration concerning breaches of a Consulting Agreement entered into alongside a contract for the sale of goods
- Acting (with Stephen Auld KC) for the claimant against a major international law firm in an UNCITRAL arbitration relating to remuneration entitlement
- Advising (with Jamie Goldsmith) on the prospects of an appeal under sections 68 and/or 69 of the Arbitration Act 1996 against a final award given in an arbitration in relation to a contract for the storage of goods
- Advising on the prospects of an appeal under the Arbitration Act 1996 against a costs award
- Clerk to the Tribunal in the case of UPA-CONI and the World Anti-Doping Agency v Alessandro Petacchi and the FCI, (CAS 2007/A/1362-1393 May 2008), an anti-doping case involving an Italian international level professional cyclist, at the Court of Arbitration for Sport in Lausanne, Switzerland
- Acting as Secretary to the Tribunal in an arbitration between the West Indies Cricket Board and its main sponsor, Digicel, in relation to their sponsorship agreement and the West Indies Cricket Board's approval of the Stanford 20/20 for 20 cricket tournament

Banking and Financial Services

"A great junior, who works well in a team and gets through things at an impressive pace." (Legal 500, Commercial Litigation, 2020).

- Acting for a FTSE 100 company defending group litigation claims arising out of the suspension of the Woodford Equity Income Fund
- Acting for Credit Suisse (UK) Limited in complex fraud proceedings
- Acting (with Stuart Isaacs KC) for Stuart Wall against The Royal Bank of Scotland in one of The Lawyer's Top 20 cases to watch in 2017. Mr Wall owned the Opal Property Group, once the UK's third largest provider of student accommodation. Mr Wall claimed over £600 million in damages suffered as a result of RBS's

fraudulent misrepresentations, breaches of contract and negligence. The case concerned claims of swap mis-selling by RBS, allegations against RBS's Global Restructuring Group, and allegations of LIBOR manipulation. The case was listed for a 12 week trial in the Commercial Court starting in October 2017, but settled shortly before trial.

- Acting (with Alain Choo Choy KC) for the Russian bank JSC VTB Bank in its dispute with the large Russian coal mining business Mechel OAO, concerning breaches of two syndicated loan facilities under which Mechel owed VTB and other banks over US\$ 1 billion.
- Advising (with Lord Grabiner KC) a major high street bank on a confidential contractual relationship.
- Assisting in advising (with Ian Glick KC) on the construction of finance agreements (including an intercreditor agreement and a trust deed) in relation to a public private partnership.
- Advising an investment management company on the applicability of the Unfair Terms in Consumer Contracts Regulations 1999 to the terms and conditions used for clients of its custody and dealing services.
- Acting for Barclays Bank plc in obtaining summary judgment against a guarantor of a company debt.
- Advising a customer of a major high street bank in relation to recovery of monies mistakenly transferred by the bank to a third party.
- Advising a shareholder in a bank on claims under section 90 FSMA 2000 arising out of misleading statements in a prospectus for a rights issue.
- Advising a shareholder in a bank on claims under section 90A FSMA 2000 in relation to misleading statements in financial statements published before 1 October 2010, and on related limitation issues.

Civil Fraud

"She is bright, responsive and able to quickly absorb huge amounts of detail." (Legal 500, Commercial Litigation, 2021).

- Acting for Credit Suisse (UK) Limited in complex fraud proceedings
- Acting with Neil Kitchener KC for defendants to a £25 million debt claim achieving dismissal of the claim following material non-disclosure by the Claimants on an ex parte application: [2021] EWHC 1415 (Comm) [2021] 6 WLUK 12
- Acting (with Stuart Isaacs KC) for Stuart Wall against The Royal Bank of Scotland in one of The Lawyer's Top 20 cases to watch in 2017. Mr Wall owned the Opal Property Group, once the UK's third largest provider of student accommodation. Mr Wall claimed over £600 million in damages suffered as a result of RBS' fraudulent misrepresentations, breaches of contract and negligence. The case concerned claims of swap mis-selling by RBS, allegations against RBS's Global Restructuring Group, and allegations of LIBOR manipulation. The case was listed for a 12 week trial in the Commercial Court starting in October 2017, but settled shortly before trial.
- Aida Hersham & Cherrilow Ltd v. Osmond & Ors [2013] EWHC 344
- Acting (with Stephen Auld KC) for the Claimants in claims against their former solicitors for breach of fiduciary duty, deceit and negligence.
- Assisting Neil Kitchener KC to resist a forum non conveniens application in proceedings in the BVI on behalf of the Tajik Aluminium Plant

- Assisting in advising a provider of funding for mortgages how it could recover a lost mortgage advance. This involved considering whether it had a claim in deceit against solicitors involved in the transaction, whether the solicitors' insurers were likely to be liable, and/or whether a claim could be made to the Solicitors Compensation Fund

Commercial Litigation

"She always delivers to the highest standards and is carving out an excellent practice and portfolio of cases." (Legal 500, Commercial Litigation, 2022)

- Acting for a FTSE 100 company defending group litigation claims arising out of the suspension of the Woodford Equity Income Fund
- Acting with Neil Kitchener KC for defendants to a £25 million debt claim achieving dismissal of the claim following material non-disclosure by the Claimants on an ex parte application: [2021] EWHC 1415 (Comm) [2021] 6 WLUK 12
- Acting as sole counsel for Maze sarl, a Luxembourg provider of corporate services, defending claims under Luxembourg law arising out of the sale of Bulgaria's largest telecommunications business Vivacom, at a 5 day trial of preliminary issues of Luxembourg law in the Commercial Court in December 2017: [2018] EWHC 169 (Comm).
- Acting for Tom Kerridge Consultancy Ltd against The Carlton Tower Ltd in claims arising out of Carlton's failure to pay an agreed £1.6 million settlement sum following Carlton's breaches of an earlier agreement under which celebrity chef Tom Kerridge was due to open a newly renovated £3 million restaurant at the Jumeirah Carlton hotel in Knightsbridge in September 2017.
- Acting (with Stuart Isaacs KC) for Stuart Wall against The Royal Bank of Scotland in one of The Lawyer's Top 20 cases to watch in 2017. Mr Wall owned the Opal Property Group, once the UK's third largest provider of student accommodation. Mr Wall claimed over £600 million in damages suffered as a result of RBS's fraudulent misrepresentations, breaches of contract and negligence. The case concerned claims of swap mis-selling by RBS, allegations against RBS's Global Restructuring Group, and allegations of LIBOR manipulation. The case was listed for a 12 week trial in the Commercial Court starting in October 2017, but settled shortly before trial.
- Acting (with Lord Grabiner KC) for a subsidiary of a private equity firm in its Commercial Court dispute with the world's largest brewer, arising out of the US\$ 3.5billion sale of a Central and Eastern European brewing business (Starbev GP Ltd v. Interbrew Central European Holding BV).
- Acting (with Stephen Auld KC) for four respondents to a £1.2 billion worldwide freezing order granted to the Russian Deposit Insurance Agency in aid of proceedings brought against Sergei Pugachev in the Moscow Arbitrazh Court.
- Acting (with David Wolfson KC) for LSG Sky Chefs UK Ltd in its Commercial Court claim for damages suffered as a result of repudiation of a catering services agreement (LSG Sky Chefs UK Ltd v. Virgin Atlantic Airways Ltd)
- Acting (with Anthony de Garr Robinson KC) for the former shareholders of Fandstan Electric Group Ltd in relation to claims arising out of the £130 million sale of their company to Wabtec Corporation.
- Advising the European members of the global telecommunications group, Nortel, on their claims to its assets

of USD 3 billion, and on their participation in a mediation arising out of Nortel's administration.

- Advising (with Alain Choo Choy) a shareholder in a telecommunications company in relation to an alleged breach of a Share Purchase Agreement.
- Assisting in advising (with Laurence Rabinowitz KC) a party to a JV on the construction of a trust deed and whether the party had any claims in misrepresentation or deceit or for rectification of any of the JV agreements.

Competition

- **Trucks Cartel Litigation**

Acting for a major truck manufacturing group in one of, if not, the largest competition action ever heard in the UK. Following on from a 2016 European Commission decision, the UK actions involve several separate proceedings before the CAT brought by or on behalf of thousands of claimants for billions of pounds of damages. The claims are to be heard across several lengthy trials over the coming years and are likely to determine several significant legal and procedural points for future competition law claims.

- Advising (with Lord Grabiner QC) in relation to Global Radio Holdings Limited acquisition of GMG Radio Holdings Limited.
- Advising (with Thomas Sharpe QC) in relation to price control matters in an appeal against an Ofcom decision concerning mobile call termination charges.

Energy and Natural Resources

- Advising Seaway Heavy Lifting Offshore Contractors BV on its contractual arrangements regarding the Beatrice Offshore Windfarm Project
- Acting (with Alain Choo Choy KC) in a US\$1bn dispute concerning a large Russian coal mining business
- Acting (with David Wolfson KC) in LCIA proceedings for shareholders of an oil and gas company with assets worth US\$ 1.5bn
- Acting (as sole counsel) for an international steel distributor in €6m LCIA proceedings concerning breaches of contracts
- Acting (as sole counsel) for the defendant in a US\$ 4million claim in relation to solar energy company
- Advising (with Laurence Rabinowitz KC) on the proper construction of the contractual framework governing the processing of gas at a terminal in the UK
- Advising a world-leading seabed-to-surface engineering, construction and services contractor on the interpretation of an engineering, procurement, construction and installation ("EPCI") contract for a wind farm, and on its termination rights under a related subcontract
- Acting for Siemens plc defending a claim by Scottish and Southern Energy plc in relation to management of UK prepayment gas meters

Group Litigation

- Acting for a FTSE 100 company defending high profile group litigation claims arising out of the suspension of

Guarantees

- Acting (as sole counsel) for an individual defending a US\$ 4million debt claim in relation to a guarantee in respect of loans to buy shares in a solar energy company Solar Millenium AG (*Stahlschmidt Inc v. Hannes Kuhn*)
- Advising on, and drafting Particulars of Claim for, a claim under a personal guarantee given by a director of a company which acted as agent of a managing agent of a Lloyd's insurance syndicate.

Injunctions and Other Interim Relief

- Acting with Neil Kitchener KC for defendants to a £25 million debt claim achieving dismissal of the claim following material non-disclosure by the Claimants on an ex parte application: [2021] EWHC 1415 (Comm) [2021] 6 WLUK 12
- Acting (with Stephen Auld KC and subsequently as sole counsel) for four respondents to a £1.2 billion worldwide freezing order granted to the Russian Deposit Insurance Agency in aid of proceedings brought against Sergei Pugachev in the Moscow Arbitrazh Court
- Acting (with Stephen Auld KC) for a successful applicant for a worldwide freezing order
- Acting (with Alain Choo Choy KC) in an application for interim relief under s. 44 of the Arbitration Act 1996
- Acting with David Wolfson KC and Neil Kitchener KC to obtain anti-suit injunctions in two confidential cases

IT and Telecommunications

- Acting as sole counsel for Maze sarl, a Luxembourg provider of corporate services, defending claims under Luxembourg law arising out of the sale of Bulgaria's largest telecommunications business Vivacom, at a 5 day trial of preliminary issues of Luxembourg law in the Commercial Court in December 2017: [2018] EWHC 169 (Comm).
- Advising the European members of the global telecommunications group, Nortel, on their claims to its assets of USD 3 billion, and on their participation in a mediation arising out of Nortel's administration
- Advising (with Alain Choo Choy KC) a shareholder in a telecommunications company in relation to an alleged breach of a Share Purchase Agreement
- Advising on the construction of a licensing agreement relating to DTH (Direct To Home) and DTT (Digital Terrestrial Television) services
- Acting for a provider of online spread betting services in a dispute with its software provider
- Advising (with Tom Sharpe KC and David Caplan) the Competition Commission in relation to price control matters in Hutchison 3G UK Ltd's appeal against an Ofcom decision which imposed a price control on Hutchison 3G UK Ltd's mobile call termination charges

Pharmaceutical Industry

- Acting with Anthony de Garr Robinson KC for a pharmaceutical company in its USD \$2.7 billion LCIA arbitration claim against a contract manufacturing organisation

- Acting for a life sciences company defending ICC claims arising out of a toll manufacturing agreement concerning poppy straws

Professional Liability

- Acting for a FTSE 100 company defending group litigation claims arising out of the suspension of the Woodford Equity Income Fund
- Assisting in advising a firm of accountants in a dispute arising out of a claim for corporate finance remuneration and a counterclaim alleging professional negligence.
- Assisting as part of a team in professional negligence proceedings against a firm of actuaries in respect of their review of the technical reserves of an insurance company.
- Advising with Stephen Auld KC the prospective Claimant on professional negligence proceedings against an international law firm in relation to an aborted M&A deal.
- Drafting a Defence to a breach of contract claim and a Counterclaim alleging negligence by a demolition contractor.

Sale of Goods and Supply of Goods and Services

- Acting, with Stephen Auld KC, for a substantial City Council in disputes arising out of a c.£100 million waste services contract between the Council and its contractor, advising the Council on grounds for termination and on potential cross-claims by the contractor
- Advising a waste services company on its claims under a waste services contract with a Council
- Advising and drafting Particulars of Claim in a claim for damages for breach of an agreement for the sale of goods in the context of the automotive manufacturing industry
- Advising and drafting a Defence and Counterclaim to a claim for breach of a contract to supply demolition services

Sports, Media and Entertainment (including Broadcasting, Gaming and Licensing)

- Advising (with Lord Grabiner KC) Global Radio Holdings Ltd in relation to Global's acquisition of GMG Radio Holdings Ltd
 - Assisting in advising (with Richard Gillis KC) on the construction of a licensing agreement
 - Acting for a reality TV star in his dispute with his former accountants about their over-charging and negligent advice
 - Acting for a provider of online spread betting services in a dispute with its software provider
 - Clerk to the Tribunal in the case of UPA-CONI and the World Anti-Doping Agency v Alessandro Petacchi and the FCI, (CAS 2007/A/1362-1393 May 2008), an anti-doping case involving an Italian international level professional cyclist, at the Court of Arbitration for Sport in Lausanne, Switzerland
 - Acting as Secretary to the Tribunal in an arbitration between the West Indies Cricket Board and its main sponsor, Digicel, in relation to their sponsorship agreement and the West Indies Cricket Board's approval of the Stanford 20/20 for 20 cricket tournament
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What the Directories Say

"You can trust her to get it right. She is very, very good." (Chambers & Partners, International Arbitration, 2024)

"She is always prepared and always on top of the materials." (Chambers & Partners, International Arbitration, 2024)

"Rachel is bright, hardworking and full of good ideas." (Legal 500, Commercial Litigation, 2024)

"She is a delight to work with; very bright, responsive, and she quickly gets to grips with both the detail and the strategic big picture points. She is very personable and engages well with the broader team." (Legal 500, Commercial Litigation, 2023).

"She always delivers to the highest standards and is carving out an excellent practice and portfolio of cases." (Legal 500, Commercial Litigation, 2022).

"She is bright, responsive and able to quickly absorb huge amounts of detail." (Legal 500, Commercial Litigation, 2021).

"A great junior, who works well in a team and gets through things at an impressive pace." (Legal 500, Commercial Litigation, 2020).

Other Experience

Judicial Assistant to Lord Justice Waller, Vice President of the Court of Appeal, Civil Division Michaelmas term 2007 - Hilary Term 2008

This involved work in relation to the following cases:

- **Centrica plc v Premier Power Ltd** [2007] All ER (D) 422 (construction of a long term gas supply agreement)
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- **Fairfax Gerrard Holdings Ltd v Capital Bank plc** [2007] All ER (D) 410 (an appeal concerning the interpretation of a retention of title clause)
- **Contex Drouzhba Ltd v Wiseman** [2007] NLJR 1695 (an appeal concerning whether, on its proper interpretation, section 6 of the Statute of Frauds (Amendment) Act 1828 provided a company director with a defence to a claim in deceit brought by one of the company's creditors)
- **Fearns t/a Autopaint International v Anglo-Dutch Paint & Chemical Co Ltd** [2008] All ER (D) 268 (an appeal against a case management decision to decide an issue of causation in relation to trade mark infringements before a hearing on quantum, and against a factual finding as to the existence and terms of an oral agreement)
- **Seele Austria GmbH v Tokio Marine Europe Insurance Ltd** (interpretation of a Construction All Risks Insurance Policy)
- **Collidge v Freeport plc** (interpretation of a compromise agreement in relation to the departure of Freeport's Chief Executive Officer)
- **Choudary v Nawaz** (applications for permission to appeal and to rely on new evidence arising out of a claim for a declaration that the Claimant was a partner with the Defendants in a business providing accommodation to asylum seekers, and that the partnership should be dissolved.)
- **Perkin v Lupton Fawcett** (an appeal arising out of a claim against solicitors for negligent advice in relation to the negotiation of a share purchase agreement)

Invited by Inner Temple to give advocacy training to Bar School Students

Acted as a FRU representative in several employment and social security claims

Rachel participates in Inner Temple's Mentoring Scheme, which pairs practising barristers with BPTC students to give the students advice and assistance

Rachel has basic Russian

Education

[2000 - 2003] University College, Oxford: BA (Hons) English Literature and Language (First Class Honours and Oxford University Gibbs Prize)

[2004 - 2005] City University: CPE

[2005 - 2006] Inns of Court School of Law: BVC

Other Academic Achievements

[2001] Exhibition, University College, Oxford

[2003] Oxford University Gibbs Prize

[2003] College Prize for top First Class degree in English

[2004] Inner Temple Major Scholarship for the CPE

[2005] Inner Temple Major Scholarship for the BVC

[2006] Represented the Inner Temple at the Willem C Vis International Commercial Arbitration Moot, Vienna

Awards



Contact Clerks



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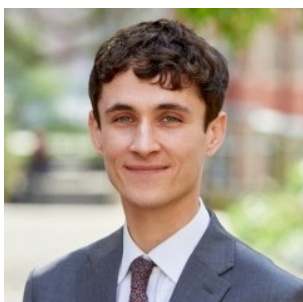


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