



Adrian Hughes QC

Year of call: 1984
Silk: 2006
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Adrian Hughes QC acts as counsel and arbitrator with a broad international and UK construction and commercial practice. He focuses on complex contract disputes spanning a wide range of sectors, including construction and engineering, energy, international trade, shipbuilding, transport and professional negligence.

Whilst his domestic practice centres on the Technology & Construction Court and the Commercial Court, much of his work involves international arbitration and associated court proceedings. He regularly conducts commercial and construction arbitration work as counsel in many different jurisdictions. Recent cases have included major international arbitrations arising from power and infrastructure projects in North Africa, the Middle East and Asia, with seats in London, Hong Kong, Singapore, Malaysia, Dubai and China.

Adrian increasingly sits as Arbitrator in international disputes, appointed by all the main international institutions. He also acts as chairman and member of dispute boards for international construction projects as well as Mediator and Adjudicator.

He has a leading practice relating to China and regularly conducts advocacy and advisory work in cases involving Chinese parties. Recent cases have included a number of prominent international arbitration and court cases in, and related to, China. He is instructed as expert to the Great Britain China Centre / Foreign Office on UK / China Arbitration and Dispute Resolution, and is on the advisory board of the Oxford University Belt and Road Institute directed at the impact of China's outbound investment policy. He acts as expert witness on English law issues and was the first English barrister to act in this capacity in Shanghai commercial court proceedings.

His early practice included extensive Supreme Court and Commercial Court proceedings arising from the collapse of the International Tin Council, involving issues of public and private international law relating to the enforceability of arbitration awards against an international organisation and its Member States. This experience carries through to public and private international law issues arising in his current work.

He is a Fellow of the Chartered Institute of Arbitrators and qualified mediator. He sits as a part time judge, having for a number of years acted as Recorder and Examiner of the Court, and has recently been appointed to the Court of Appeal of the Falkland Islands and South Georgia. He is a recent past Chairman of the UK Society of Construction Law (SCL), the country's leading multi-disciplinary construction law association.

International Dispute Resolution

Arbitrator

Adrian is a Fellow of the CI Arb, a former Chairman of the Society of Construction Law and a member of the Society of Construction Arbitrators.

He regularly sits as arbitrator in both international and domestic cases either ad hoc or appointed by institutions and is an experienced Presiding Arbitrator. He also sits on Dispute Boards and acts as Mediator

He has a specialist knowledge of arbitration and dispute resolution in China and sits on several panels in China including CIETAC, SHIAC (Shanghai), SIAC (Shenzhen) and the CCPIT Mediation Panel.

Current and recent international arbitral appointments include:

- Presiding Arbitrator (ICC) in a high value dispute arising from a construction project in Qatar with its seat in Doha - Qatar governing law and law of the arbitration. Appointment 2018; Award issued February 2020.
- Party nominated Arbitrator (LCIA) in a complex dispute arising from the construction of a nuclear power plant in Abu Dhabi - English law with seat in London. Appointment 2017; Award issued 2019.
- Sole Arbitrator (ICC) in a dispute arising from the termination of a distribution contract for pharmaceutical products in the Middle East. Appointment 2018; ongoing.
- Presiding Arbitrator (ICC) in a dispute arising from the construction of a gas plant in Saudi Arabia - Saudi Arabia governing law with seat in London. Appointment 2020; ongoing.
- Party nominated Arbitrator (LCIA) in a dispute arising from construction of support base and facilities within an oilfield in Iraq. Seat in London. Appointment 2019; ongoing.
- Party nominated Arbitrator (SCC) in a dispute arising from an EPC contract for a coal fired power station in Brazil – Brazilian law. Hearing 2022; currently settling Award.

- Party nominated Arbitrator (HKIAC) in a dispute concerning IP rights in computer hardware. Ongoing.
- Party nominated Arbitrator (SIAC) in a dispute concerning a contract for the sale of a large number of aircraft as part of the creation of an aviation hub in a major PRC city. Ongoing.
- Party nominated arbitrator (ICC) in a high value dispute arising from a residential construction project in Qatar with its seat in Doha – Qatar governing law and law of the arbitration. Appointment 2019; ongoing.
- Party nominated Arbitrator (DIFC/LCIA) for a construction dispute arising from a large commercial project in Dubai with its seat in Dubai/DIFC – Dubai/UAE governing law and law of the arbitration. Appointment 2020; ongoing.
- Party nominated Arbitrator (DIFC/LCIA) for a construction dispute arising from a project in Abu Dhabi with its seat in Dubai/DIFC – Abu-Dhabi/UAE governing law and law of the arbitration. Appointment 2018; Award issued December 2019.
- Party Nominated Arbitrator (UNCITRAL) for a dispute arising from a Power and Water Purchase agreement in Saudi Arabia. Saudi Arabia law. Seat in Bahrain. Appointment 2020; ongoing.
- Shanghai International Arbitration Centre appointment to a three person tribunal seated in Shanghai for an IP dispute between US and Chinese parties – Chinese governing law and law of the seat. Award 2018.
- KLRCA appointment (2017) to a three person tribunal with seat in Kuala Lumpur for a dispute arising from a power purchase agreement for a plant located in East Malaysia. Ongoing.
- ICC Paris appointment (2017) to a three person tribunal with seat in Sierra Leone for a dispute arising from a highways project in that country. Award issued 2017.
- LCIA appointment (2017) to a three person tribunal with seat in London for a dispute arising from the termination of a major IT project affected by sanctions.
- ICC Asia appointment (2016) to a three person tribunal seated in Singapore arising from a dispute between Malaysian and French parties over a construction project in Kuala Lumpur. Final award issued October 2016.
- ICC Paris appointment to a three person tribunal for seated in Warsaw arising from a highways construction project/joint venture dispute in Poland, subject to Polish law. Three hearings held in Warsaw. Final award issued August 2016.

- Member of the panel of arbitrators under the Host Broadcasting Agreement for the First European Games (Baku 2015) in Azerbaijan.
- CIETAC Beijing appointment as Chairman of a three person tribunal for a high value dispute arising from the construction of a warehouse complex in Wuhan, in central China.
- ICC Asia appointment as sole arbitrator in an international sales dispute between suppliers of oil slurry feed pumps and main contractor for an oil and gas project in Asia. The dispute involved issues of interpretation of trade terms, practice under INCOTERMS 2000 and claims for breach of contract.

He has conducted many domestic arbitrations as sole arbitrator particularly arising from construction disputes and Lloyds' insurance disputes.

Dispute Boards

Chairman DAB (ICC) for a dispute arising from Combined Cycle Power Plant in Iraq – Iraq governing law.

Party nominated DAB member for a dispute arising from major construction project in Oman – Oman governing law.

Chairman of a Dispute Adjudication Board for a North Sea Gas FPSO project which included the resolution of a number of disputes under a FIDIC based rapid adjudication process.

Mediation

He qualified as a mediator with CEDR in 1999. Since then he has been involved in many mediations as counsel and as mediator, mainly in the fields of construction and commercial law, both domestic and international.

He is a member of RESOLEX and in particular of its Construction Contracts Mediators panel.

Significant recent cases as Mediator have included:

- Mediator in a large claim involving the construction of a Caribbean airport. Multi party mediation also involving EU as funding authority.
- Mediator in a groundworks dispute arising from a large construction project in Belfast.
- Mediator in a dispute arising from a facilities maintenance term contract for the provision of services to industrial sites throughout UK and France.

Practice Areas

Commercial

Adrian Hughes' commercial practice includes international arbitration and litigation in the Commercial Court in London and before foreign courts, often involving jurisdiction and conflicts issues.

Experience includes:

- Acting for a Chinese investor in 1 billion USD HKIAC arbitration proceedings arising from a share purchase agreement with a Swiss seller.
- Acting in Commercial Court proceedings for the enforcement of a Swiss ICC arbitration award which raised important issues as to whether foreign court decision created an estoppel binding the English Court.
- Acting for a major international telecommunications organisation based in Paris in a Commercial Court dispute with a pipe laying company, arising from the laying of the world's longest sub-sea fibre optic telecommunications pipeline between Singapore and India. The case involved court jurisdiction challenges both in London and in Singapore.
- Acting for a major Chinese bank in relation to a series of London arbitrations concerning refund guarantees for ship building contracts.
- Acting for an Australian mining company in ICC Singapore arbitration proceedings arising from mining operations in Indonesia and involving pricing issues for long term contracts.
- Acting for a joint venture partner in connection with a share warranty dispute before the courts in Hong Kong and China arising from a large scale joint venture investment in the agricultural sector in China.
- Acting in three large international arbitrations on behalf of the world's leading manufacturer of military flight training equipment (based in the United States) against the UK government, the most recent of which, conducted under LCIA rules, involved a claim for damages for breach of a government procurement contract for the design and supply of both hardware and software for aviation maintenance trainers.
- Acting for a Chinese shipyard in an LCIA arbitration arising from a dispute with a Polish seller over the sale of engineering equipment.

- Representing a Chinese cocoa trader in FCC arbitration proceedings in London.
- Representing a Malaysian buyer in a GAFTA arbitration and Commercial Court proceedings with an Australian seller of grain.
- Representing a Ukrainian company in ICC proceedings in a dispute arising from the sale of aluminium.
- Acting for a French international hotel chain in a LCIA arbitration involving claims under hotel chain franchise and consultancy agreements.
- Acting for a large charitable institution in relation to agency commission claims brought by a fine art dealer in connection with the purchase of three world-renowned paintings.

Construction, engineering and infrastructure

Adrian Hughes' construction and engineering practice is closely allied to his commercial work. His international practice largely involves international arbitration of major infrastructure and energy projects. His domestic work involves large scale disputes in the Technology and Construction Court, and associated appeal proceedings, often arising from PFI, PPP or NEC partnering contracts and covering a wide range of sectors including highways, rail, hospitals, education and utilities. He is also very experienced in the conduct and enforcement of adjudications.

Experience includes:

- Representing a Chinese state owned power company in ICC London arbitration proceedings arising from the construction of the world's largest power and desalination plant in Saudi Arabia.
- Representing a Korean contractor in LCIA London arbitration proceedings arising from the construction of an Ethylene Vinyl Acetate plant in Saudi Arabia.
- Acting for a marine works contractor in connection with an ICC arbitration in Singapore arising from the construction of a desalination plant in Algeria.
- Acting for the employer in a \$US2 billion dispute in the Dubai International Arbitration Centre arising from a landmark construction project in Dubai.
- Acting for and advising the UK Government (Highways Agency) in a series of disputes arising from Term Contracts for Highways Maintenance (based on the NEC3 form of contract).
- Advising a major building contractor in its dispute with a City Council arising from a major public sector housing Framework Agreement.

- Leading the team acting for local authorities in the UK in relation to a string of adjudication and court disputes arising from PFI projects for the construction and operation of schools.
- Acting for the contractor and professional advisers in a series of reported TCC cases brought by a high net worth individual arising from the development of a historic estate in Herefordshire.
- Acting for a major rail company in the UK in relation to adjudications arising from PPP term maintenance contracts for the London underground.
- Acting for the joint venture main contractor in a £100m arbitration claim arising from the construction of an underground rail extension involving complex engineering issues, delay analysis and sustainability of global claims.
- Acting in the Court of Appeal for the insurer in subrogated proceedings arising from a fire claim.
- Acting for a national supermarket chain in a multi-million pound facilities management claim brought by the contractor in connection with their contract to provide services to 370 supermarkets.
- Acting for the joint venture contractor in claims arising from PFI Hospitals contracts.
- Acting for the joint venture contractor in arbitration proceedings relating to substructure works for a major national river crossing project.

China related practice

Adrian Hughes has a long-established international arbitration practice in, and connected with, Asia and the Far East. In particular, this involves acting for clients from China, Hong Kong, Singapore, Malaysia and Korea.

He occupies a unique position at the English Bar in relation to his work in China. Originally stemming from his running of the Lord Chancellor's Training Scheme for Chinese Lawyers in London, he has developed a relationship with many of the main law firms in China and regularly conducts advisory and advocacy work upon direct instruction from Chinese law firms. He chairs the Bar Council's China Committee.

He also acts as expert witness on English Law issues and was the first barrister to appear in this capacity in Chinese commercial court proceedings in the landmark case of *Hua An v Lehman* in the Shanghai High Court.

Recent Asia-related international arbitrations have involved a number of major cases instructed by Chinese and Korean contractors, arising from their work on power and

infrastructure projects in North Africa and the Middle East, as well as high value arbitrations for Asian clients in Hong Kong, Singapore and London.

Cases have included:

- Representing a Chinese state owned power company in ICC London proceedings arising from the construction of the world's largest power and desalination plant in Saudi Arabia.
- Representing a Chinese state owned power company in LCIA London proceedings arising from the construction of a desalination and power plant in Iraq.
- Representing a major Chinese bank in LCIA and LMAA arbitration proceedings arising from refund guarantees supporting a series of ship building contracts.
- Representing a Chinese shipyard in a ship building arbitration in London (LCIA) in a dispute with a Polish company arising from over 30 contracts together with enforcement proceedings arising from the successful award.
- Acting for a Chinese investor in an ICC arbitration concerning a joint venture project in a copper mine in Spain.
- Acting for a Chinese manufacturer in a CIETAC arbitration concerning a dispute over intellectual property rights.
- Acting for a Chinese contractor in its claim for delay and disruption costs arising from an extensive housing refurbishment contract for the Hong Kong government (Hong Kong International Arbitration Centre).

Appointments

Justice of the Court of Appeal of the Falkland Islands [2017 to present]

Recorder [2001-2016]

Court Examiner [2001 to present]

Bencher of Middle Temple

Dispute Board Member of the Singapore Infrastructure Dispute-Management Protocol Panel, Singapore Mediation Centre [2019-2021]

Chairman of the Society of Construction Law (2010-2011)

Chairman of the China Law Council

Legal expert to the Great Britain China Centre on UK China Dispute Resolution

Advisory Board, Oxford University Belt and Road Institute

Chairman, UK-Azerbaijan Law Association

Qualifications

MA Jurisprudence, Wadham College, Oxford

Winston Churchill Scholar, Middle Temple

Colombos Public International Law Prize, Middle Temple

Fellow of the Chartered Institute of Arbitrators

Publications

Arbitration World (European Lawyer Reference; Third Edition 2010, Fourth Edition 2012, Fifth Edition 2015 and Sixth Edition 2018) Chapter on the UNCITRAL Rules.

Construction Contracts: Law and Practice. Edited Richard Wilmot-Smith QC, Third Edition (Contributor) OUP 2014, Fourth Edition 2021.

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