



Daniel Shaw



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Daniel has been practising for over 17 years, and has spent the last 14 years specialising in construction and engineering disputes. He has experience of litigation, arbitration, adjudication, and mediation.

Daniel obtained a first-class undergraduate degree in law – coming top of his year – and went on to obtain a postgraduate construction engineering degree at the University of Cambridge (where he has since been invited to lecture).

Alongside his work as Counsel, Daniel is a TECBAR-accredited Adjudicator, and sits as a fee-paid Judge in the Crown Court.

Daniel is the author of Chapter 25 (Arbitration) in *Emden's Construction Law*, and until 2023 also wrote the Construction Litigation chapter.

International Arbitration

Daniel's main area of practice is international arbitration concerning major construction/engineering projects.

He has been instructed in matters concerning clients, projects, and the laws of a wide variety of countries outside England and Wales, including Egypt, Saudi Arabia, Kuwait, Morocco, Oman, the UAE, Lebanon, Qatar, Hong Kong, Germany, the USA, Switzerland, and Denmark.

Whilst instructed on Middle East disputes, Daniel has spent extended periods of time living and working alongside his clients, in particular in Saudi Arabia, Qatar, and Oman.

He has experience of most FIDIC forms, as well as bespoke agreements. He has participated in ad hoc, ICC, LCIA, DIA, and HKIAC arbitrations.

Examples of Daniel's international arbitration work include:

- a dispute between two sub-contractors concerning a new runway at an existing major

international airport in the Far East, involving a claim for approximately £30m, and a counterclaim for approximately £97m. Daniel is acting for the superior sub-contractor claimant, instructed by Hogan Lovells as junior to Andrew Rigney KC. There was a four-day preliminary issues hearing in 2023, and a 15-day merits hearing in 2024;

- a dispute between an employer and a consultant concerning the construction of a new airport in the Middle East, involving a claim for approximately £100m. Daniel acted for the employer respondent, instructed by White & Case as junior (alongside Anna Laney KC prior to her taking silk) to Crispin Winser KC, and Rupert Choat KC. There was a five-day preliminary issues hearing in 2021 (at which Daniel appeared as sole Counsel), and a further 45 days of merits hearings in 2022;

- a dispute between an employer and a main contractor concerning a new eight-lane motorway in the Middle East, involving a claim for approximately £90m. Daniel acted for the employer respondent, instructed by White & Case as junior (alongside Robert Stokell) to Crispin Winser KC. There was a 13-day merits hearing in 2022;

- a dispute between two sub-contractors concerning expanded oil and gas facilities in the Middle East, involving a claim for more than £85m. Daniel acted for the inferior sub-contractor, instructed by Brown Rudnick as junior to Crispin Winser KC. The case did not reach a hearing;

- a dispute between an employer and a main contractor concerning several new biomass and waste-to-energy power stations in Europe. Daniel acted for the main contractor, instructed by CMS Cameron McKenna Nabarro Olswang as junior (alongside Charles Pimlott) to Ben Quiney KC. The case settled shortly before a 17-day merits hearing in 2021;

- a dispute between two subcontractors concerning the expansion of the Masjid al-Haram in Makkah, Saudi Arabia. Daniel acted on a direct-access basis as sole Counsel. The dispute settled before a merits hearing in 2016;

- a dispute between an employer and a main contractor for approximately £475m concerning an airport terminal building in the Middle East. Daniel acted for the employer, instructed by White & Case as junior to Crispin Winser KC and Rupert Choat KC. The case involved a 10-day merits hearing in 2015, a 24-day merits hearing in 2016, and a 15-day merits hearing in 2017;

- a dispute between a target and the acquirer for approximately £1m, arising out of the

takeover of Swiss haulage/transport firm by a joint venture competitor. The dispute settled before a hearing; and

- a dispute between a main contractor and a consultant for approximately £8m, arising out of the construction of a process plant in Egypt. The dispute went to a 10-day merits hearing.

Construction & Engineering

In addition to the international work exemplified in the lists above, Daniel is also regularly instructed to advise, draft pre-action correspondence, draft pleadings, and represent parties involved in domestic construction, engineering, and general commercial litigation and arbitration.

Examples of Daniel's recent domestic instructions include:

- a dispute between a main contractor and an insurer concerning the construction of a hospital in England, with a claim for over £50m. Daniel is acting for the main contractor, instructed by the client's in-house solicitor, as junior to Isabel Hitching KC. There is a mediation scheduled for March 2025;
- a dispute between a sub-contractor and a main contractor concerning the design and installation of a fire alarm system at a large hospital in London. Daniel is acting for the main contractor, instructed by Clyde & Co as sole counsel. The litigation is ongoing;
- representing parties at numerous unremarkable adjudication enforcement hearings before the High Court (TCC);
- a dispute between a Hollywood film producer and a main contractor concerning the renovation of a house in Notting Hill, London. Daniel was instructed on a public-access basis for the employer. The dispute settlement following a mediation in January 2021;
- a long-running dispute between a main contractor and an Architect concerning the defective design of conical warm zinc roof at a meditation centre in England. Daniel is instructed by HCR for the main contractor;
- disputes concerning liability for cladding following the fire at Grenfell Tower. Daniel was instructed by Simmons & Simmons in several disputes concerning main contractors and specialist sub-contractors; and

- acting on a direct-access basis for the purchaser in relation to a claim for defective repair and restoration works carried out on a £250,000 vintage automobile. The claim settled in 2021.

Adjudication

Examples of Daniel's recent significant instruction as Adjudicator include:

- appointed by Ward Hadaway, and in-house solicitors, to adjudicate a dispute valued at more than £9.7m concerning the groundworks and utilities installation in England;
- appointed by Walker Morris, and DACB, to adjudicate a dispute valued at more than £5.5m concerning cladding on student accommodation in England; and
- appointed by DACB, and Hawkswell Kilvington, to adjudicate a dispute valued at over £1.4m concerning works to gas mains in England.

Examples of Daniel's recent significant adjudication work as Counsel include being:

- instructed by Arup in-house solicitors, to pursue claims in several successive adjudications for approximately £1.2m of unpaid variations in relation to a rail electrification upgrade project in England;
- instructed by DWF defending a claim for £2.5m in relation to asbestos contamination during piling work brought by a main contractor against Keltbray concerning a residential project in London;
- instructed by Arup in-house solicitors, to pursue claims for unpaid fees of approximately £600k against a Chinese developer relating to a large mixed-use project in London;
- instructed by Siemens in-house solicitor, with repeated instructions in four separate adjudications, defending claims for approximately £25m brought by an M&E subcontractor concerning a power converter station in Scotland;

- instructed by Fenwick Elliot to defend claims for declarations concerning extensions of time, and the £4.2m valuation of variations, brought by a main contractor against an M&E subcontract relating to the construction of a pharmaceutical production facility in England;
- instructed by Fenwick Elliot to pursue claims for approximately £1m in unpaid fees, brought by a supplier against a sub-contractor concerning chemical dosing equipment used in water treatment works in Scotland;
- instructed by Arup in-house solicitors to pursue claims for approximately £1.5m of unpaid fees arising out of planning and design services worth over £1.5m provided to a local authority in Wales;
- instructed to pursue an injunction restraining a sub-contractor from continuing to pursue adjudication proceedings and/or commence further adjudications, on the basis of it being an abuse of process following a previous strike-out by the County Court (see *Marbank Construction Ltd v G & D Brickwork Contractors Ltd* [2021] EWHC 1985 (TCC)) and pursuing the subsequent Part 8 claim for a declaration that it would be an abuse of process to enforce the Adjudicator's award (see *G & D Brickwork Contractors Ltd v Marbank Construction Ltd* [2021] EWHC 3009 (TCC));
- Instructed to pursue enforcement, and resist a Part 8 claim, following an adjudication over an unpaid interim payment application made by a main contractor (*RTS Construction Limited v Signature Building Services Limited* [2019] (unreported));

Qualifications

- MSt Construction Engineering, Queens' College, University of Cambridge (2013 – 2015)
- Bar Vocational Course, Very Competent, BPP Law School, London (2006 – 2007)
- LLB Law (First Class), University of Keele (2003 – 2006)

Memberships

- Society of Construction Law
- Technology & Construction Bar Association