



Daniel Shaw



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Daniel was called to the Bar 16 years ago and has specialised in construction and engineering disputes for the last 13 years. 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, or the laws of a wide variety of countries, including England and Wales, the USA, Switzerland, Egypt, Saudi Arabia, Kuwait, Morocco, Oman, Hong Kong, the UAE, Lebanon, Qatar, Germany, and Denmark.

He has experience both of FIDIC forms, and bespoke agreements. He has experience of ad hoc, UNCITRAL, ICC, LCIA, DIA, and HKIAC arbitrations.

Examples of recent 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

there will be a 15-day main hearing in 2024;

- A dispute between a main contractor and an insurer concerning a hospital in England, involving a potential claim for more than £50m. Daniel is acting for the main contractor, instructed by the client's in-house solicitor as junior to Isabel Hitching KC;
- A dispute between an employer and a consultant concerning 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) 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 main hearing 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 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 hearing in 2021;
- 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 hearing in 2015, a 24-day hearing in 2016, and a 15-day hearing in 2017.

Adjudication

Examples of Daniel's recent significant adjudication work include:

- Defending a professional negligence claim for approximately £500k brought by an employer against an architectural practice concerning a residential project in London.
- Pursuing claims for unpaid fees of approximately £600k brought by a design consultancy against a Chinese developer relating to a mixed-use project in London.
- Defending a claim for £2.5m in relation to asbestos contamination during piling work brought by a main contractor against a sub-contractor concerning a residential project in London.
- Pursuing an injunction restraining a sub-contractor from pursuing ongoing adjudication proceedings and commencing further adjudication on the basis of 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] EWCH 3009 (TCC)).

- Defending claims for approximately £500k for professional negligence brought by an employer against a quantity surveyor acting as contract administrator/employer's agent in relation to a residential development in London.
- Repeat instructions in four separate adjudications for the same client, defending claims for approximately £25m brought by an M&E subcontractor against a main contractor concerning a power converter station in Scotland.
- Pursuing enforcement, and resisting 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)).
- Repeat instructions in three separate adjudications for the same client, pursuing claims for approximately £1.2m concerning unpaid variations brought by a design consultancy against a joint-venture main contractor in relation to a rail electrification upgrade project in England.
- Pursuing a claim for a declaration brought by a main contractor against a developer relating to remedial works at a housing development in England.
- Defending a claim for approximately £100,000 brought by an M&E subcontractor against a main contractor relating to unpaid retail fit-out works in London.
- Defending 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.
- Pursuing claims for approximately £1m in unpaid fees, brought by a supplier against a subcontractor concerning chemical dosing equipment used in water treatment works in Scotland.
- Pursuing 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.
- Defending claims concerning defective sewerage design brought by a main contractor against a subcontractor relating to a super-prime property development in central London.
- Pursuing claims arising out of design and construction services worth approximately £500,000 provided to a homeowner in London.

Construction & Engineering

In addition to the international arbitration and domestic adjudication work exemplified in the lists above, Daniel is also regularly instructed to advise, draft pre-action correspondence, draft pleadings, and represent parties involved in construction, engineering, and general commercial litigation. Examples of Daniel's recent litigation instructions as sole Counsel include:

- Representing parties at numerous unremarkable adjudication enforcement hearings before the High Court (TCC).

- Advising and representing a Hollywood film producer in a dispute over construction works at his London home, against a main contractor.
- Advising a purchaser in relation to a claim for defective repair and restoration works carried out on a £250,000 vintage automobile.
- Advising and representing a main contractor in an application for a stay to arbitration.
- Advising and representing a sub-contractor in relation to a claim made by a main contractor concerning a fire alarm at a large hospital in London.
- Advising and representing a charity in relation to a defective roof at a meditation centre in England.
- Advising and representing a building contractor in relation to a claim for unpaid fees concerning a residential development in Yorkshire.
- Advising and representing a FTSE 50 executive in relation to a dispute with various parties concerning delays and defects at a self-build residential property.
- Advising a subcontractor on the availability of a bona fide subcontractor defence.
- Advising an Employer's Agent as to whether he held a lien over his file pending payment of his fees by the Employer.
- Advising the target in respect of a dispute arising out of the takeover of Swiss haulage/transport firm by a joint venture in relation to a dispute worth approximately £1m.
- Advising a main contractor in respect of threatened litigation arising out of cladding of hotel in central London deemed defective following the fire at Grenfell Tower – JCT DB 2009 form.
- Advising a specialist sub-contractor in respect of threatened litigation arising out of cladding of (inter alia) new build properties in White City, London, considered defective following the fire at Grenfell Tower.
- Advising and representing an exporter in litigation against an insolvent service provider arising out of certification of meat products for export.
- Advising an employer in respect of a professional negligence claim arising out of redevelopment of large residential property in Notting Hill, London.
- Advising and representing a claimant in respect of a claim for non-payment, and defending a counterclaim concerning defects, arising out of the construction of a new road in west London.
- Representing a national hotel chain in its defence of a claim for damages for breach of contract (including on appeal).
- Advising a supplier of specialist products to the automotive industry as to a share and asset purchase by an Indian multinational.

Qualifications

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



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- LLB Law (First Class), University of Keele (2003 – 2006)

Memberships

- Chartered Institute of Arbitrators
- Freeman of the Worshipful Company of Constructors
- Society of Construction Law
- Society of Construction Law Australia
- Technology & Construction Bar Association