

Year called 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 for Chinese law firms and clients. 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 Chinese 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 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 has been a Chairman of the UK Society of Construction Law (SCL), the country's leading multi-disciplinary construction law association.

PRACTICE AREAS

- Commercial
- Construction, engineering and infrastructure
- China related practice
- Information Technology
- Professional Negligence

SECTORS

- Energy
- International Dispute Resolution – Acting as Arbitrator and Mediator

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 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. Further examples of his caseload are listed under the practice area relating to International Arbitration. 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 proceedings arising from the construction of the world's largest power and desalination plant in Saudi Arabia.
- Representing a Korean contractor in LCIA London 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).

INFORMATION TECHNOLOGY

Adrian Hughes has substantial experience in IT disputes. His work includes disputes arising from hardware and software contracts and licensing agreements. He regularly acts for employers, suppliers and designers in providing advice during the course of projects and in representing clients in court and arbitration proceedings.

Experience includes:

- Acting for a high profile national football club against a designer/supplier in relation to a contract for a new computerised ticketing system for the club; case gave rise to issues of contract interpretation, fitness for purpose and performance.
- Acting for a leading company providing integrated networks in an action brought by a software designer and supplier in the Birmingham TCC in connection with the design and provision of a state of the art data management system.
- Acting in two large international arbitrations which involved issues as to the extent to which the employer could develop the software specification during the course of the project.
- Acting for contractor in relation to contract for the design and supply of automated car production system involving complex software issues.
- Acting for licensee in an international dispute over alleged breaches of a software licensing and distribution agreement.
- Instructed by IT supplier in relation to a dispute over a contract for the provision of online learning for an educational provider. Also acting for the employer in a dispute with designer and supplier of computerised administration and information database for a national teachers association.
- Acting for the designer and supplier in claim for damages for termination of software contract for digital television access equipment.

PROFESSIONAL NEGLIGENCE

Adrian Hughes maintains a wide-ranging and substantial professional liability practice. He acts for and against accountants, auditors, valuers, architects, engineers and surveyors and IT professionals.

Experience includes:

- Acting for the developer in professional negligence claims against engineer and architect arising from a façade collapse during an iconic reconstruction project in Bradford City Centre. The case involved complex liability and causation issues, together with previously untested damages and valuation issues.
- Acting on behalf of a well-known architect in long running adjudication and multiple court proceedings arising from the design and redevelopment of a historic estate in Herefordshire.
- Acting for structural engineers in relation to the design and foundations of a large warehouse in the Port of Tilbury in London, involving technical design issues as well as the extent of the duty to supervise construction.
- Acting for one of the professional defendants in a widely publicised matter concerning a local authority leisure centre in Hackney, London. The dispute arose from a £20m claim by the local authority for damages arising from the design and construction of a landmark leisure centre.

- Representing valuers in a £40m negligence claim arising from Enterprise Zone Trust investments which raised complex issues of reliance and existence of loss.
- Acting for the employer against architects in relation to a large riverside housing development in the north east of England.
- Acting for investigative accountants in connection with a report prepared for company investors, involving issues of performance, reliance and quantum.

SECTORS

ENERGY

A strong part of Adrian Hughes' construction and commercial practice relates to the energy sector. This work ranges from his international arbitration cases relating to power and process plants, and mining contracts, to a domestic caseload relating in particular to the commercial and engineering aspects of projects for renewable energy. He leads an international initiative between the UK and Azerbaijan aimed at the development of energy arbitration work, chairing the newly formed bilateral association BALA (British Azerbaijani Law Association).

Experience includes:

- Acting for a Dutch company specialising in converting waste gas to energy in their dispute with the employer arising from a pioneering waste gas to energy plant in south-east England
- Acting for the German claimant company in relation to commercial issues relating to the development of its biogas business including licensing and distribution in the context of ongoing proceedings in the Chancery Division.
- 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.
- Representing a Chinese state owned power company in ICC London proceedings arising from the construction of a power plant in Saudi Arabia.
- Representing a Korean contractor in LCIA London proceedings arising from the construction of an Ethylene Vinyl Acetate plant in Saudi Arabia.
- Representing the Bahraini marine works contractor in connection with an ICC arbitration in Singapore arising from the construction of a power and desalination plant in Algeria.
- Representing a Chinese state owned power company in LCIA London proceedings arising from the construction of a power and desalination plant in Iraq.

INTERNATIONAL DISPUTE RESOLUTION – ACTING AS ARBITRATOR AND MEDIATOR

Adrian Hughes has many years of experience in resolving international disputes, ranging from sitting as judge or arbitrator to chairing dispute boards and acting as mediator or in other forms of ADR.

He regularly sits as arbitrator in both international and domestic cases either ad hoc or appointed by institutions. He has a specialist knowledge of arbitration and dispute resolution in China and sits on several panels in China including CIETAC, SHIAC and CCPIT (Mediation Panel).

Current and recent international arbitral appointments include:

- ICC Paris appointment (2017) as Chair of a tribunal with seat in Doha for a high value dispute arising from a construction project in Qatar.
- LCIA appointment (2017) to a three person tribunal with seat in London involving an extensive dispute arising from the construction of a nuclear power plant in the Middle East.
- 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.
- 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.
- 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. Main evidential hearing held in Singapore in April 2016. 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.
- Shanghai International Arbitration Centre appointment to a three person tribunal seated in Shanghai for an IP dispute between US and Chinese parties. Main evidential hearing in Shanghai December 2017.
- 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.
- June 2015 – member of the panel of arbitrators under the Host Broadcasting Agreement for the First European Games (Baku 2015) in Azerbaijan.

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

DISPUTE BOARDS

He also chairs and acts as a member of Dispute Boards for international construction and infrastructure projects. He recently chaired 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.

ADJUDICATION

He is a TECBAR qualified adjudicator in which capacity he has the benefit of his longstanding experience as counsel in many TCC adjudication related court cases and adjudications.

RECOMMENDATIONS

Adrian Hughes is consistently recommended in both Chambers & Partners and Legal 500, in particular for the practice areas of International Arbitration, Construction and Engineering, Energy and Professional Negligence. He was shortlisted as "Leading Silk in International Arbitration" by The Legal 500 in 2017 and is nominated again for 2019.

Recent entries include the following:

'Extremely user-friendly and a star in international arbitration'... "He shows great attention to detail, determination and commercial sense" [Legal 500 2018]

'A very able counsel with excellent advocacy skills, and a great team player too' ... "He is an excellent lawyer, with strength across the board"... "He has become a major player in international arbitration' and in particular has 'very good strength in depth in construction arbitration' [Legal 500 Asia Pacific 2018]

"Extremely personable and handles clients brilliantly" ... "excellent to work with and his work product was second to none" [Chambers 2018]

'He delivers highly innovative and persuasive submissions'...'He builds a strong personal rapport with clients'...'An extremely hands-on and user-friendly silk.' [Legal 500 2017 – Shortlisted for International Arbitration Silk of the Year]

"Has vast experience in international commercial arbitrations" and is further acclaimed as "a class act" and "one of the best construction specialists" in the international arbitration field [Chambers 2017]

"He delivers highly innovative and persuasive submissions" Legal 500 2016

"He is very hard-working, commercial and clear in his thinking." Chambers UK 2016

"A first-class barrister." ... "A Premier League silk" ... "Extremely well liked by clients." [Legal 500 2015]

"Exudes gravitas," and "is always very much on top of the detail in a case." "His advice is very thorough and he is very approachable." Chambers UK 2015

"He has the ability to inspire confidence in his clients. His advice is delivered in a straightforward manner, and he realises the commercial requirements of the client." Chambers UK 2015

"Recognised for his vibrant practice tackling international arbitrations in Singapore and the Far East"; Chambers UK

2014

"A strong presence in construction law." Chambers UK 2014

"Solicitors appreciate his "commercial and professional" way of operating, and the impressive way he handles international arbitrations." "He has a calm and considered approach to matters and is extremely good at dealing with clients." Chambers UK 2013 *"Adrian Hughes QC has a brilliant analytical mind but is also very commercial, great with clients and a pleasure to work with."* Chambers UK 2012

He is also consistently recommended in Chambers and Legal 500 for his China related practice:

"A sensible advocate who makes clients feel confident they are getting excellent expertise." [Legal 500 Asia Pacific 2019]

"Tremendously dedicated to each case, with a great understanding of the technical matters in question" [Legal 500 Asia Pacific 2019]

"He is exceedingly well respected across Hong Kong and China." [Legal 500 Asia Pacific 2019]

"He has rich experience in dealing with China-related matters..."[Legal 500 2017]

"He brings decades of commercial and construction law experience to act on high-profile arbitrations in China, Singapore and South-East Asia generally. He has substantial experience in investor-state disputes. Sources consider him an advocate who exudes gravitas in arbitral proceedings." [Chambers Global]

In connection with his Far East international arbitration work, he is described as being *"particularly strong in China"*, having a *"great knowledge of the Chinese legal culture and understanding of the legal system"* and having *"great relations with PRC law firms"*. [Chambers Asia-Pacific]

APPOINTMENTS

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

Recorder [2001-2016]

Court Examiner [2001 to present]

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

MEMBERSHIPS

ICCA; LCIA; Society of Construction Arbitrators; Society of Construction Law; COMBAR; TECBAR

QUALIFICATIONS

MA Jurisprudence, Wadham College, Oxford

Winston Churchill Scholar, Middle Temple

Colombos Public International Law Prize, Middle Temple

PUBLICATIONS

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

Construction Contracts: Law and Practice. Edited Richard Wilmot-Smith QC, 3rd Edition (Contributor) OUP 2014

ICE Manual of Construction Law (ICE 2011) Chapters on Adjudication and Environmental Issues

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