

Year called 1996

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“He understands the law – not just the dry legal stuff, but the context around it”

“highly recommended by market sources, and is praised for his commercial bent”

“able to get on top of complex facts quickly”

“good at thinking on his feet”

Chambers & Partners / Legal 500

Duncan Sinclair maintains a deliberately broad practice in public law, planning and environmental law, EU / competition law (including public procurement) and commercial disputes.

A former head of legal at the energy regulator and competition authority Ofgem before returning to the Bar in 2010 “He has excellent knowledge of energy regulation, and is down to earth and easy to work with” (Legal 500). On his return to the bar, Duncan was one of The Lawyer’s “Hot 100” lawyers across the UK legal profession and remains a leading practitioner in this and related fields.

PRACTICE AREAS:

- Planning Environment and Property
- Administrative and Public
- EU/Competition

- Public Procurement
 - Commercial
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SECTORS:

- Energy & Natural Resources
 - Infrastructure
 - Aviation & Aerospace
 - Healthcare and pharma
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PRACTICE AREAS:

EXAMPLES OF RECENT WORK

Acting in a judicial review to a planning approval to build a waste-from-energy incinerator (on environmental and heritage).

Instructed by the Competition and Markets Authority as external Counsel in its Energy Market Investigation (2014-2016).

Representing a UK competition authority in *National Grid v ABB* (and ors) in the damages claim (one of The Lawyer's top 25 cases of 2015).

Acting in judicial reviews (some listed below), including many of the major recent cases in regulated sectors (including energy and aviation) and cases involving environmental issues.

Advising Coventry City Council on procurement and state aid law in relation to a major redevelopment of the city centre.

Acting in the commercial (TCC) court on 3 procurement law disputes and two pure commercial/contractual disputes.

Representing bodies before sectoral regulators in contested proceedings and licensing/disputes involving legislative interpretation.

Acting for third sector bodies in disputes in the High Court and the European Court.

CASES

EXAMPLES OF RECENT LITIGATION:

Shimbles v Bradford MDC [2018] EWHC 195 (Admin)

R. (on the application of RWE Generation UK Plc) v Gas and Electricity Markets Authority [2016] 1 C.M.L.R. 17

Solar Century Holdings Ltd v Secretary of State for Energy and Climate Change [2016] EWCA Civ 117; [2016] B.L.R. 341

Skycanner v Competition and Markets Authority [2015] 3 All E.R. 67; [2015] Bus. L.R. 1318; [2015] Comp. A.R. 41

Skycanner v Competition and Markets Authority [2014] CAT 7

Counted4 Community Interest Co v Sunderland City Council [2015] EWHC 3898 (TCC) (acting for winning contractor in procurement exercise)

R. (on the application of Oxford Aviation Services (t/a London Oxford Airport)) v Secretary of State for Defence [2015] EWHC 3898 (TCC); 164 Con. L.R. 230

R. (on the application of Drax Power Ltd) v Secretary of State for Energy and Climate Change [2014] EWHC 2377 (Admin); [2014] EWCA Civ 1153

Lumsdon & Ors, R (On the Application Of) v Legal Services Board (Protective Costs Orders) [2013] EWHC 3289 (Admin)

Lumsdon & Ors, R (On the Application Of) v Legal Services Board (Divisional Court) [2014] EWHC 28 (Admin)

R. (on the application of Homesun Holdings Ltd) v Secretary of State for Energy and Climate Change [2011] EWHC 3575 (Admin); [2012] A.C.D. 28

Affirmed in Court of Appeal [2012] EWCA Civ 28; [2012] Env. L.R. 25; [2012] A.C.D. 29; (2012) 109(6) L.S.G. 20; (2012) 156(4) S.J.L.B. 31

National Grid Electricity Transmission Plc v ABB Ltd [2013] EWHC 822 (Ch); [2013] U.K.C.L.R. 177 (Submissions under the Competition Law Practice Direction)

National Grid Plc v Gas and Electricity Markets Authority [2010] EWCA Civ 114; [2010] U.K.C.L.R. 386

QUALIFICATIONS

B.A. Law 1994, LL.M 1995, Downing College, Cambridge University

ADDITIONAL INFORMATION

Publications

Co-Author, Butterworths loose-leaf Competition Law Service

Author (subsequently co-author) the PLC UK and EC Competition Law manual, Chapter on Intellectual Property

Transactions

Articles

“Undertakings” in Competition Law at the Public-Private Interface – An Unhealthy Situation [2014] 35 E.C.L.R. 115

EU energy liberalisation and competition law: enforcement and law-making in an era of cross-national agendas and national powers – Jean Monnet EU Lecture series

Counterfactuals – a shift in the burden/standard of proof? Global Competition Review

Counterfactuals in anticompetitive contracts and abuse of dominance cases under Articles 101 and 102 TFEU [2010] 10 E.C.L.R

Abuse of Dominance at a Crossroads – Potential Effect, Object and Appreciability under Article 82, EC [2004] 8 E.C.L.R

Ancillary Restraints Under the ECMR [2003] 7 E.C.L.R

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