

David Parratt KC (Scot)

Deputy Head of Chambers

Year of Call: 1999
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Commercial

David Parratt KC (Scot) has a broad commercial practice covering complex litigation, arbitration and advisory work. He acts in high-value disputes involving commercial contracts, banking and finance, partnerships, trusts, joint ventures, intellectual property, insurance, and energy and utilities, including upstream oil and gas. Much of his work has an international dimension, involving jurisdiction, applicable law and cross-border enforcement.

David has particular experience in disputes requiring close interpretation of contractual terms, including commercial obligations, incorporation of terms, exclusion and limitation clauses, warranties and termination provisions. His practice encompasses breach of contract, misrepresentation, causation and quantification of loss, alongside directors' duties, fraud, shareholder disputes and professional liability. His recent instructions include disputes concerning unauthorised trading, investment recovery, secret commissions, partnership assets and trust administration. He is frequently instructed in matters requiring detailed analysis of financial records, valuation evidence and regulatory obligations across the energy, construction and technology sectors.

He appears regularly in the Commercial Court and at all levels of the senior courts, as well as in domestic and international arbitrations under ICC, LCIA, LMAA, DIAC, ADCAAC and ad hoc rules. David also sits as arbitrator in disputes involving commercial partnerships, construction, intellectual property and financial services. He is a Fellow of the Chartered Institute of Arbitrators and holds Chartered Arbitrator status.

Recent cases and instructions

- **Saprykin v Berger and others (Royal Court of Jersey, JGR2026/126, November 2026)** – Instructed to draft Answers for the seventh defendant in proceedings concerning the alleged maladministration of a $900 million New York trust.
- **Claim against a Big Four accountancy firm (October 2026)** – Drafting pleadings in a £12 million claim concerning alleged retaliation following whistleblowing, raising issues of the kind considered in Rihan v Ernst & Young.
- **DIFC investment dispute (October 2026)** – Advising on alleged breaches of statutory financial provisions and contractual obligations concerning the non-refund of investments.
- **Neem Tree Investment and Lounge v DIFC Investments (DIFC Courts, CFI-031-2024 and ENF-200-2024, October 2026)** – Seeking to set aside immediate judgment, advancing a counterclaim and pursuing a separate Part 7 damages claim arising from alleged wrongful ejection from premises held under a restaurant lease.
- **Patent attorneys – secret commissions (October 2026)** – Advising on potential liability for secret commissions over a ten-year period following the Supreme Court's decision in Hopcraft.
- **Care-home shareholding dispute (September 2026)** – Advising on enforcement of a domestic arbitration award arising from a dispute concerning shares connected to a care home.
- **Sanjay Agarwal v Deutsche Bank (DIFC Courts, CFI-011-2024, July 2026)** – Appearing in a $20 million claim against a bank concerning allegedly unauthorised trading, breach of Article 94 of the Regulatory Law, breach of mandate, breach of

contract and negligence.

- **Physiotherapy business** – share sale (June 2026) – Advising on the sale of a shareholding, including the application of the stamp duty exemption under section 77 of the Finance Act 1986.
- **Byrne v Ali Alattar and others (DIFC Courts, ENF-106-2023, April 2026)** – Appearing on an application to vary an order requiring production of a settlement agreement, addressing RDC 4.7 and RDC 28.28, gaps in the procedural rules and the commercial confidentiality of a third-party agreement.
- **Energy supplier** – secret commissions (March 2026) – Advising on secret commissions, bribery, constructive trusts and liability following the Supreme Court's decision in Hopcraft.
- **McDermott v Secretary of State (Pension Appeals Tribunal for Scotland, PATS/S/24/0115, March 2026)** – Representing a pro bono appellant challenging reductions to his Unemployability Supplement and Invalidity Allowance.
- **K v N Inc (ICC Arbitration, Case No. 29655/ICA4, February 2026)** – Acting for a global supplier of maritime technology, equipment and services in a claim for unpaid invoices, involving the enforceability of invoicing provisions and contractual terms. Successfully settled.
- **Thorne v Thorne [2025] EWFC 395 (B) (December 2025)** – Advising before trial on claims against a farming partnership arising in financial remedy proceedings, including the identification and treatment of partnership property.
- **B&D Clays and Chemicals v Castle Water [2026] EWCA Civ 171 (Listed December 2025)** – Acting in a Court of Appeal dispute concerning interpretation of the Water (Meters) Regulations 1988 and whether evidence other than prescribed statutory tests could establish that a water meter was unreliable.
- **Taylor v Affi (DIFC Courts, ENF-271-2025, October 2025)** – Appearing on an application to set aside enforcement and receivership orders, addressing the DIFC Courts' jurisdiction under Article 31.4 of the New Courts Law to enforce a foreign judgment where no assets were situated within the DIFC.
- **Forbes v Kidd (DIFC Courts, CFI-081-2023, August–September 2025)** – Successfully obtaining judgment for £4,599,352.22 in a commission claim arising from the settlement of Scottish High Court proceedings. Subsequently advising the judgment creditor on enforcement under RDC Part 50 against a debtor outside the jurisdiction.
- **Smarter Applications Ltd v Shenzhen H&T Intelligent Control Ltd (May 2025)** – Advising on procedural issues arising from attempts to serve a claim form on a Chinese manufacturer under a problematically drafted service-agent clause.
- **National coffee chain** – business interruption insurance (February 2025) – Advising on COVID-19 business interruption claims involving prevention of access/non-damage clauses and "at the premises" wording, including coverage, loss calculation and next steps.
- **MKA v A (DIFC Courts, CFI-016-2024, January 2025)** – Successfully obtaining immediate judgment and strike-out in a claim brought by a former office holder against an institution.
- **Microlise Limited v (1) James Kemball Limited (2) Uniserve Holdings Limited [2023] EWHC 579 (KB)** – Acting as leading counsel for the defendants in a High Court dispute between a transport logistics group and a supplier of telemetry devices fitted into lorry cabs. The dispute concerned contract formation, incorporation of terms, alleged breach and misrepresentation, and causation and quantification of loss. The preliminary issues hearing required detailed analysis of the contractual terms, including whether exclusion clauses effectively excluded the statutory implied terms of fitness for purpose and satisfactory quality. David's clients were successful on all points decided.
- **EFL v An Insurer** – Acting as leading counsel in a High Court (KBD) dispute concerning the purchase at auction of a 1930s Italian racing car for approximately £1.2 million, then a record price for a car of its kind. The case concerned pre-contractual representations, the scope and effect of contractual warranties, provenance and valuation. The proceedings settled on favourable terms.
- **I v BT (Scottish Arbitration Centre, 2023)** – Counsel for a Taiwanese franchisor in a dispute against a Taiwanese franchisee concerning breaches of area agreements for the supply of fruit tea and infringements of intellectual property rights.
- **Broderick (High Court, 2022)** – Acting in a £5 million dispute concerning a partnership at will between a world-famous sculptor and other partnership members, including whether continued use of artistic moulds infringed asserted intellectual property rights.
- **M v J LMAA** – Counsel advising Chinese charterers on a High Court challenge to an LMAA award in a dispute with Canadian

owners.

- **NHT v K (CIMAR, 2022)** – Advising on an arbitration claim concerning construction defects in a housing scheme.
- **Q v G (Irish Arbitration Act, 2022)** – Appointed as arbitrator in a dispute between Irish solicitors and a former client concerning outstanding fees.
- **S v N (LCIA, Seat London, 2021)** – Counsel in a dispute between an Aberdeen oil parts manufacturer and a US company concerning non-exploitation of granted intellectual property rights.
- **Dr T v Medical Practice (English Seat, 2021)** – Counsel advising on an arbitration arising from a medical partnership dispute.
- **Taxis v Council (Scottish Seat, 2021)** – Appointed as arbitrator in a licensing dispute between a taxi company and a council.
- **J v T, C & A (ADCAAC, Seat Abu Dhabi, 2021 Award)** – Appointed as co-arbitrator in a dispute concerning construction works on a major infrastructure project.
- **M v S (LCIA, 2020)** – Counsel in an approximately £25 million claim by shareholders against their joint venture partners in an electricity supply business. The case required expert evidence on the application of minority and marketability discounts (DLOC and DLOM), and venture capital rates of return, in valuing the business.
- **MH v C (LMAA Intermediate Procedure, 2020)** – Counsel for the claimant in a dispute with a charterer following cancellation of a charter due to COVID-19, involving the application of force majeure provisions. Settled for £500,000.
- **B v B (Seat London, 2020)** – Advising on a £10 million family business dispute concerning a partnership at will.
- **L Limited (a Firm) v Council (ad hoc, Seat Edinburgh, 2020)** – Appointed as arbitrator in a dispute under a social mobility agreement. Settled.
- **WPT Partnership against Partners thereof (ad hoc, Seat London, 2019)** – Instructed for the claimants in a £4 million patent partnership dispute, advising on an ad hoc arbitration concerning purported termination of the partnership. Settled.
- **Z v GSP (LCIA, Seat London, 2019)** – Instructed for the claimants in a $5 million claim and cross-claim between a subcontractor and contractor concerning the operation of a platform off the coast of Greece. Settled.
- **Scotland's Largest Litigation Funder v Members of Faculty of Advocates (ad hoc, Seat Edinburgh, 2019)** – Instructed for the claimants in an arbitration concerning sums claimed under late payment of commercial debts legislation. Settled.
- **X v Y (Domestic Arbitration, ad hoc, Seat Edinburgh, 2019)** – Appointed as arbitrator in a dispute concerning sums payable under a full repairing and insuring commercial lease between two Scottish commercial entities. Award rendered.
- **International Credit Card Company v Debtor (ad hoc, Seat London, 2019)** – Appointed as arbitrator in a documents-only arbitration. Award rendered.
- **OMS v US Oil Major (LCIA, Seat London, 2017–2018)** – Successfully representing a small, two-director company in a £6 million claim against an oil major concerning outstanding invoices for the hire of oil and gas equipment, a global collaboration agreement and multiple alleged infringements of intellectual property rights.
- **B Borough Council v HG Limited (ad hoc, Seat London, 2017)** – Appointed as counsel to the arbitration.
- **SYE v M (ICC, Seat Geneva, 2013–2016)** – Acting for Japanese respondents defending claims of $4.5 million by a Turkish subcontractor and pursuing a $13.5 million counterclaim concerning a major railway infrastructure project in Istanbul.
- **H v X Corp (DIAC, Seat Dubai, 2011–2013)** – Acting in a $1.5 million dispute between a Scandinavian joint venture interest and a US party.

Articles

DIFC Courts Confirm Enforcement Principle in Article 31(4) proceedings against Non-DIFC Assets

David Parratt KC (Scot) and Zhen Ye explore the practical implications of DIFC Courts confirming a defendant who attempted to cancel two court orders, focused on property located in Dubai, an Enforcement Order and a Receivership Order, that had

been issued to support decisions made by an English court.

View Article

To order or not to order compulsory ADR: there is no question

3PB's specialist commercial law barristers David Parratt QC and Rebecca Farrell review the cost consequences for lawyers and their clients of a refusal to engage in ADR.

View Article

The price of an unreasonable refusal to engage: ADR, Litigation and cost consequences

3PB's specialist commercial law barristers David Parratt QC and Rebecca Farrell review the cost consequences for lawyers and their clients of a refusal to engage in ADR.

The article includes a recent case law review which demonstrates a particular trend whereby Courts will examine closely the actions of the parties in relation to offers of ADR as to whether they are 'reasonable' or not. Even the failure to respond to a Part 36 Offer alongside an offer to mediate, can of itself potentially signify an unreasonable refusal to engage with ADR.

View Article

Academic qualifications

- LLB (Hons) University of Aberdeen (1992)
- DipLP (University of Aberdeen) (1993)
- PhD (University of Edinburgh) (2004)
- DipICArb (Chartered Institute of Arbitrators) (2008)

Professional qualifications & appointments

- Honorary Professor of International Arbitration, School of Law, University of Aberdeen. (January 2017-to date)
- Co-Director of the Aberdeen University International Arbitration Summer School (2017 – to date)
- Visiting Lecturer, International Commercial Arbitration, and Oil and Gas Dispute Resolution, University of Aberdeen (2016-17)
- Honorary Senior Lecturer, International Construction Law and Arbitration, British University in Dubai (BUiD) (2010 - 15)
- Honorary Research Fellow, International Dispute Resolution, School of Law, University of Dundee (2008-2015)
- Honorary Lecturer, International Arbitration, Centre for Petroleum, Minerals, Law and Policy, (CEPMLP) University of Dundee (2007-10)

Professional bodies

- Freeman of The Worshipful Company of Arbitrators
- Fellow of the Royal Historical Society (FRHistS)
- Fellow of the Society of Antiquaries of Scotland (FSAScot)
- Fellow of the Society of Legal Scholars (SLS)
- Member of the School of Advanced Legal Studies (FSALS)
- Member of the British Institute of International and Comparative Law (BIICL)

- The Honourable Society of Lincoln's Inn
- The Faculty of Advocates
- The Bar of Northern Ireland
- The Chartered Institute of Arbitrators
- TECBAR
- COMBAR
- The Arbitration Club (Oil & Gas Chapter)
- World Intellectual Property Organization (WIPO)

He is a a panel member of international arbitral institutions:

- Kuala Lumpur (AIAC)
- Cairo (CRCICA); WIPO (Geneva)
- CIArb London (President's Panel & Scotland (CIArb Panel)
- Roster of International Arbitrators (USA)
- EDAC (Energy Dispute Arbitration Center) (Turkey)
- DIFC (Dubai) ADGM (Abu Dhabi)

He is also an Accredited Mediator (CEDR)