

David Parratt KC (Scot)

Year of Call: 1999

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Overview

David Parratt KC (Scot) is a busy barrister, advocate and arbitrator. David has extensive court experience and regularly negotiates settlements in multi-million pounds claims. He is often involved in complex international commercial disputes.

David's practice covers his key experience and interests in arbitration, construction & engineering claims, energy disputes (including oil/gas upstream claims), general commercial litigation and commercial contracts.

He is a practising barrister in England & Wales and was called in 2009 (Lincoln's Inn). He is a non-practising member of the Faculty of Advocates (Scottish Bar), having practiced from 1999 to 2020 - taking Silk in Scotland in 2017. He is also a non-practising member of the Northern Irish Bar, calling in 2016.

David holds the degrees of LLB(Hons) (University of Aberdeen) and PhD (University of Edinburgh). He also has Diplomas in Legal Practice (University of Aberdeen) and International Commercial Arbitration (Chartered Institute of Arbitrators).

He has acquired a huge amount of experience in arbitration, as Counsel in both international and domestic arbitrations (Scottish and English seats) and under various institutional rules (ICC; LCIA; LMAA; ADCAAC).

David is a Fellow of the Chartered Institute of Arbitrators (FCIArb), holds Chartered Arbitrator Status and is on the panels of many worldwide arbitration institutions. He has held Higher Rights of Audience before the Dubai International Finance Centre (DIFC) and has appeared before the Eastern Caribbean Supreme Court. He is Honorary Professor of International Arbitration in the School of Law, University of Aberdeen. He is also an Accredited Mediator (CEDR) and has acted as counsel to mediations as well as having accepted appointments as mediator.

He was appointed as an ad hoc (part time) Advocate Depute (Crown Counsel) in 2012 which was renewed in 2017. In 2011, David was also appointed as Security Cleared Special Counsel.

Publications

- "The Development and Use of Written Pleadings in Scots Civil Procedure" (Stair Society, Vol. 48) (2007)
- "The Minute Book of the Faculty of Advocates, Volume IV, 1783-1798", Stair Society (with A. Stewart Q.C. - Lord Stewart) (2008)
- The Scottish Arbitration Handbook (Avizandum Publishing) (with Peter Foreman) (2011)
- Chapter 16: "Law as a Profession: The Faculty of Advocates" in (ed.) Mark A. Mulhearn, Scottish Life and Society: A Compendium of Scottish Ethnology, Vol. 13: The Law (Birlinn, 2012) (with K. Campbell, Advocate) (2012)
- Parratt, D.R., and Grahame, A., Scotland World Arbitration Reporter, 2nd Ed., (Juris Publishing, 2018)

David has also published over 15 articles in various publications including Scots Law Times, Journal of Psychiatry, Hume

Papers on Public Policy, and Journal of Legal History in the fields of Scottish legal history, procedure, travel protection legislation and arbitration.

Academic qualifications

- LLB (Hons) University of Aberdeen (1992)
- DipLP (University of Aberdeen) (1993)
- PhD (University of Edinburgh) (2004)
- DiplCARb (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)

Faculty of Advocates' Positions

- Member of various Committees including: Faculty Council (2003-6; 2012-17)
- Curator of the Advocates Library (2005-8)
- Quality Assistance Panel Working Group(2015-7)
- Quality Assurance Scheme for Advocates (2016 - present)
- The Training Committee (2012-present)
- Scheme for Fees Committee (2014); Board of Assessors (2012 -present)
- CPD Reorganisation Committee (2016-7)
- Malawi Pro Bono Group (2014); International Committee (2016-present)
- Faculty Arbitration Group and Board member of the Faculty Dispute Resolution Service (FDRS) (2008-present)
- Special adviser to the Personal Injury Arbitration Group (2016-present).

Director of Training and Education, with responsibility for the training of devils in written and oral advocacy and for ongoing training of members of Faculty in advocacy skills and for the Quality Assurance Assessment. (2012-2017)

Advocacy Trainer and Assessor of Advocate Assessors for the Faculty Quality

Expertise

Neutrals - Arbitrators

David R Parratt QC (Scot) FCI Arb is a leading silk in both international and domestic arbitrations. He has acted as counsel in a range of cases under various institutional rules in international cases. He has been appointed as an arbitrator in ad hoc and institutional arbitrations.

He is a Fellow of the Chartered Institute of Arbitrators, holds Chartered Arbitrator status and is a panel member of international arbitral institutions: Kuala Lumpur (AIAC); Cairo (CRCICA); WIPO (Geneva); Dubai (DIFC); Bahrain (GCC); CI Arb London (President's Panel & Scotland (CI Arb Panel)); Roster of International Arbitrators (USA); EDAC (Energy Dispute Arbitration Center) (Turkey). He is also an Accredited Mediator (CEDR).

Arbitration Experience as Counsel and Arbitrator

I v. BT (Scottish Arbitration Centre, 2023): Counsel for Taiwanese Franchisor party against Taiwanese Franchisee party in respect of breach of Area Agreements for supply of fruit tea.

M. v. S (LCIA, 2020-23): Counsel for Claimant in Electricity Supply Dispute and JVA share valuation. (£20m). Award rendered.

QG v Irish Developer (Dublin, CIMAR, 2022): Appointed arbitrator in respect of Solicitors' Professional Fees against Contractor Client. Award Rendered.

Dr. Toheed v. Dr Akhtar (ad hoc, 2021): Arbitration in respect of termination of a medical practice partnership in the UK. (Settled)

MH v. C (LMAA Intermediate Procedure, 2021): Counsel for Claimant in Dispute with Charterer following cancellation of Charter for COVID-19 and Application of Force Majeure. (£500k) Settled.

D v E (DIFC-LCIA, 2020): Advising Dubai based companies in respect of ongoing obligations to Oil part Supply Agreements and on prospects regarding two separate arbitration clauses. (£1m)

B v B (Seat London, 2020): Advising in family business dispute as to Partnership-at-will (£10m).

L Limited (a Firm) v Council (ad hoc, Seat Edinburgh, 2020): Appointed as Arbitrator in dispute as to under a Social Mobility Agreement between the parties. Settled.

WPT Partnership against Partners thereof (ad hoc, Seat London, 2019): Instructed for Claimants in a Patent Attorney Partnership Dispute and advising in respect of ad hoc arbitration for purported termination of the Partnership (£4m). Settled

T. (Austria) v. A&B (Qatar) (LCIA, Seat London, 2019): Retained as counsel for the Claimant in a Licence infringement case concerning IPR and Trademarks. (\$5m)

Z v. GSP (LCIA, Seat London, 2019): Instructed for Claimants in a \$5m claim and cross claim for a Subcontractor in dispute with a Contractor in respect of 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 ongoing):

Instructed for the Claimants in connection with an arbitration for sums claimed under the Late Payments of Commercial Debts regulations. (Settled)

J v. T, C & A (ADCAAC, Seat Abu Dhabi) (2019-2022): Appointed as co-arbitrator in connection with construction works on the Midfield Abu Dhabi Airport construction project. Dhs 900m. Award rendered.

X v Y Domestic Arbitration (ad hoc, Seat Edinburgh) (2019): Appointed as Arbitrator in a dispute in relation to the sums liable under a Full Repairing and Insuring Commercial Lease between two commercial entities based in Scotland. Award rendered.

International Credit Card Company v. Debtor (ad hoc, Seat London) (2019): Appointed as the Arbitrator in a documents only arbitration. Award rendered.

OMS v US Oil Major (LCIA, Seat London) (2017–2018): Successfully represented a small two director company in a £6m claim against an oil major in respect of outstanding invoices for hire of oil and gas equipment; a claim under a Global Collaboration Agreement and multiple claims in respect of infringement of IP 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: Acted for Japanese Respondents with Defence and Counterclaim for \$13.5m against Turkish Sub-Contractor Claims of \$4.5m in respect of a very large railway infrastructure project in Istanbul.

H. v. X Corp. (DIAC, Seat Dubai) 2011–2013: Dispute between Scandanavian JV interest and a US party. (\$1.5m)

Arbitral Institutional Panels

- Member of the ICC
- Member of the LCIA
- Panel Member of the CIArb (Scottish Branch) Panel of Arbitrators
- Member of the Hong Kong Arbitration Panel (HKIAC)
- Member of the Asian International Arbitration Panel (AIAC)
- Member of the Cairo Arbitration Panel (CRCICA)
- Member of the WIPO Panel (Geneva)
- Member of the Dubai International Arbitration Centre List (DIAC)
- Member of the CIArb London President's Panel
- Member of the Juris Roster of International Arbitrators

Commercial

David Parratt KC (Scot) has a comprehensive commercial practice, with a particular focus on complex commercial disputes, intellectual property, joint ventures. A significant proportion of the matters in which he acts arise within the energy & utilities sector (including oil/gas upstream claims) and involve questions of conflicts between international jurisdictions.

David appears as Counsel at all levels of the senior courts, especially the Commercial Court, as well as in both international and domestic arbitrations under various institutional rules (ICC; LCIA; LMAA; ADCAAC).

He is a Fellow of the Chartered Institute of Arbitrators, holds Chartered Arbitrator status and is a panel member of the leading international arbitral institutions. He has been appointed as an arbitrator in both ad hoc and institutional arbitrations.

Ongoing cases

SE v IM - Advising Claimant following Notice of Continuance from Dubai Courts and whether to pursue claim for Share expropriation and fraud.

T. (Austria) v. A&B (Qatar) (LCIA, Seat London, 2019) – Retained as counsel for the Claimant in a Licence infringement case concerning Intellectual Property Rights and Trademarks. (\$5m)

D v E (DIAC, LCIA, 2020) – Advising Dubai based companies in respect of ongoing obligations to Oil Part Supply Agreements and on prospects regarding two separate arbitration clauses and alleged breaches of licences. (£1m)

Woodstone Carpentry Limited v Crystal Engineering Limited – Ongoing dispute in connection with installation of FRA on Post Grenfell Tower Buildings in London Boroughs. (2022; High Court).

McAnally v St J – Advising claimant in respect of claims against Financial Advisers for Professional Negligence.

Recent cases

I v. BT (Scottish Arbitration Centre, 2023) – Counsel for Taiwanese Franchisor party against Taiwanese Franchisee party in respect of breach of Area Agreements for supply of fruit tea and infringements of Intellectual Property rights.

M. v. S (LCIA, 2020) – LCIA Arbitration c.£25m claim by shareholders against their JV partners in an electricity supply business. The Case required expert evidence on whether minority discounts were appropriate (DLOC DLOM) in the valuation and what the venture capital rates of return would have been in that valuation.

Microlise Limited v (1) James Kemball Limited (2) Uniserve Holdings Limited – High Court (KBD) dispute between a Transport Logistics group of companies and the supplier of transport telemetry devices fitted into cabs of lorries raising several issues as to (i) contract formation; (ii) incorporation of terms; (iii) allegations of breach of licence and misrepresentation; (iv) causation and quantification of loss. The Case also raised issues of what is necessary in terms of a clause to exclude the statutory implied terms of “fit for purpose” and “satisfactory quality” from the transactions. Leading Nicholas Kaplan. Awaiting Judgment

EFL v An Insurer – High Court (KBD) dispute involving the purchase of 1930s Italian Racing car at auction for the then record price for a car of its kind of c.£1,200,000. The case raised several issues including (i) precontractual representations and contractual warranties; (ii) provenance; and (iii) value. Settled on favourable grounds. Leading Nicholas Kaplan.

AFC v AI – High Court (Comm) dispute for claimant against BII insurer “at the premises” clauses – proceeding to trial. Settled.

LY v C – High Court (Comm) dispute acing for claimant against BII insurer “at the premises” clauses. Settled.

Broderick [2022] EWHC – Dispute concerning a partnership-at-will in £5m dispute between world famous sculptor and other partnership members and whether continued use of artistic moulds were in contravention of asserted Intellectual Property Rights.

v. J (LMAA 2022) – Counsel advising on High Court challenge to LMAA Award for Chinese Charterers against Canadian Owners.

NHT v K (CIMAR 2022) – Advising in respect of a claim in arbitration for construction defects in a Housing Scheme.

Q. v G. (Irish Arbitration Act, 2022) – Arbitrator. Dispute between Irish Solicitors and a former client in relation to outstanding fees.

S. v N (LCIA London Seat, 2021) – Counsel in dispute between Aberdeen Oil parts manufacturer and US company granted IPR rights in respect of non-exploitation.

Dr T. v Medical Practice (English Seat, 2021) – Counsel advising in respect of arbitration arising from a medical partnership dispute among the partners.

Taxis v Council (Scottish Seat, 2021) – Arbitrator. Dispute between taxi company and Council in respect of Licensing.

MH v. C (LMAA Intermediate Procedure, 2020) – Counsel for Claimant in Dispute with Charterer following cancellation of Charter for COVID-19 and Application of Force Majeure. Settled £500k.

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WPT Partnership against Partners thereof (ad hoc, Seat London, 2019) - Instructed for Claimants in a Patent Partnership Dispute and advising in respect of ad hoc arbitration for purported termination of the Partnership (£4m). Settled

Z v. GSP (LCIA, Seat London, 2019) - Instructed for Claimants in a \$5m claim and cross claim for a subcontractor in dispute with a Contractor in respect of 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 connection with an arbitration for sums claimed under the Late Payments of Commercial Debts regulations. (Settled)

J v. T, C & A (ADCAAC, Seat Abu Dhabi) (2021 Award) - Appointed as co-arbitrator in connection with construction works on a major infrastructure project.

X v Y Domestic Arbitration (ad hoc, Seat Edinburgh) (2019) - Appointed as Arbitrator in a dispute in relation to the sums liable under a Full Repairing and Insuring Commercial Lease between two commercial entities based in Scotland. Award rendered.

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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) - Acted for Japanese Respondents with Defence and Counterclaim for \$13.5m against Turkish Sub-Contractor Claims of \$4.5m in respect of a very large railway infrastructure project in Istanbul.

H. v. X Corp. (DIAC, Seat Dubai) (2011-2013) - Dispute between Scandinavian JV interest and a US party. (\$1.5m).

Construction and engineering

David Parratt KC (Scot) is a specialist in construction, engineering, and energy disputes (including oil/gas upstream claims), with a particular focus on projects involving complex factual, technical, and contractual disputes. He has extensive experience in the TCC and the Commercial Court in the UK, and under various institutional rules (ICC; LCIA; LMAA; ADCAAC).

David is a member of the ICC, the LCIA, the CIArb (Scottish Branch) Panel of Arbitrators, the Hong Kong Arbitration Panel (HKIAC), member of the Asian International Arbitration Panel (AIAC), the Cairo Arbitration Panel (CRCICA), the WIPO Panel (Geneva), the Dubai International Arbitration Centre List (DIAC), the CIArb London President's Panel and the Juris Roster of International Arbitrators.

Recent and Ongoing cases

- **M. v. S (IAC, 2022)** - Counsel for Claimant in Electricity Supply Dispute and JVA, share valuation £100m.
- **NHT v K (CIMAR 2022)** - Advising in respect of a claim in arbitration for construction defects in a Housing Scheme.
- Arbitrator in dispute re professional fees relating to NEC3 terms and conditions (**Northern Ireland, 2022**)
- Co Arbitrator re Abu Dhabi airport construction dispute (**2022**)
- **Woodstone Carpentry Limited v Crystal Engineering Limited** - Ongoing dispute in connection with installation of FRA on Post Grenfell Tower Buildings in London Boroughs. (**2022; High Court**).

- **S. v N (LCIA London Seat, 2021)** - Counsel in dispute between Aberdeen Oil parts manufacturer and US company granted IPR rights in respect of non-exploitation.
- **J v. T, C & A (ADCAAC, Seat Abu Dhabi) (2021 Award)** - Appointed as co-arbitrator in connection with construction works on a major infrastructure project.
- **Scottish Ministers v Contractors re M74; M77 and M8 (large infrastructure project) (2020)**
- **D v E (DIAC, LCIA, 2020)** - Advising Dubai based companies in respect of ongoing obligations to Oil part Supply Agreements and on prospects regarding two separate arbitration clauses (£1m).
- **Advice on arbitration clause under Option W2 in NEC3 (2019)**
- **Z v. GSP (LCIA, Seat London, 2019)** - Instructed for Claimants in a \$5m claim and cross claim for a subcontractor in dispute with a Contractor in respect of the operation of a Platform off the coast of Greece. (settled)
- **Advice in respect of Notice of Intention to Refer under cl 93 NEC3 (2018)**
- **OMS v US Oil Major (LCIA, Seat London) (2017-2018)** - Represented a small two director company in a £6m claim against an oil major in respect of outstanding invoices for hire of oil and gas equipment; a claim under a Global Collaboration Agreement and multiple claims in respect of infringement of IP Rights. Successful.
- **Advice to adjudicator re NEC3 on project Blackpool Pier (2017)**
- **SYE v. M (ICC, Seat Geneva) 2013-2016** - Acted for Japanese Respondents with Defence and Counterclaim for \$13.5m against Turkish Sub-Contractor Claims of \$4.5m in respect of a very large railway infrastructure project in Istanbul.

Neutrals - Adjudicators

David Parratt KC (Scot) is a well known adjudicator and counsel to adjudicators in construction, engineering and energy disputes.

Adjudications

M73 Motorway Spur Construction Dispute Adjudication (2018) In this large and high profile adjudication he was retained by the Scottish Government in respect of a claim made by a JV of contractors.

Queensferry Bridge Crossing Adjudication (2018) In this large and high profile case he was retained by the Adjudicator as Counsel to the adjudication. David advised in respect of procedure and challenges to his jurisdiction.

Articles

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

Specialist commercial law barristers David Parratt QC and Rebecca Farrell review the Civil Justice Council's Report, 'Compulsory ADR'.

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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.

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