

Duncan Bagshaw – Arbitrator

“Duncan has a sharp mind and is extremely eloquent.”

Chambers and Partners and the Legal 500

Overview

Duncan is a barrister and a partner at Howard Kennedy LLP in London. He practices exclusively in arbitrations and related court proceedings.

Duncan's experience focusses on the energy, natural resources, construction and engineering, and hotels and leisure sectors. He is a specialist in handling cases in those sectors involving disputes between shareholders, under shareholders' agreements and similar documents.

Duncan has handled many cases involving sub-Saharan African jurisdictions. Several of his cases have been governed by law other than English law.

He is an expert in arbitration procedure, and legal issues concerning arbitrators. He was the first Registrar of the LCIA arbitration centre in Mauritius and he has advised several institutions on their rules and policies. He is a member of the Advisory Board of the MARC Arbitration Centre in Mauritius. He acted in the UK Supreme Court in the most important case of modern times on arbitrator impartiality and independence.

Style and Approach

Duncan works principally as counsel but he is a Fellow of the Chartered Institute of Arbitrators and is available to be appointed as arbitrator. He brings the same dedication and work ethic to his work as arbitrator as he does to acting as counsel. He also has extensive experience in practice of applying modern equipment and technology to arbitrations to promote efficient and effective hearings and communications.

Duncan speaks fluent French and has studied French law.

Expertise

Duncan has experience of handling disputes in the following practice areas

- Energy (Power generation and supply contracts),
- Energy (Oil and Gas contracts),
- Construction and Engineering,
- Hotels and Leisure,
- Shareholder Disputes.
- Real Estate, Hotels & Leisure

Examples of cases Duncan has mediated in each of these practice areas are grouped below.

Experience

Energy and power (as counsel)

- Acting on behalf of an electricity supply company in an ad-hoc arbitration (London seat) in relation to a contract for electricity generation equipment in East Africa.
- Acting for an engineering company in a dispute relating to the engineering of wind farm turbines.

Industry: Oil and Gas (as counsel):

- Acting in a dispute regarding the enforcement of a Farm-in agreement between the owners of, and investors in, an offshore oil block.
- International Arbitration concerning a maritime engineering contract for dredging of a major port.
- International litigation concerning a dispute over a contract for use of an FPSO (a vessel employed in extracting and processing oil offshore).
- Acting for the Chartered Institute of Arbitrators as intervenor in the UK Supreme Court in *Halliburton v Chubb*.

Industry: Hotels and Leisure

- Acting in a large arbitration (resolved by two hearings of five days each) between investors in a project to develop five Hotels in African cities.
- Acting in an ICC arbitration between the owner of a major Hotel and a household-name hotel brand.

Professional Qualifications

- Barrister called to the bar in 2003 by The Honourable Society of Lincoln's Inn.
 - Bar Vocational Course – Inns of Court School of Law, London
 - LLB Law with French – University of Birmingham
 - Diploma of French Law – University of Limoges
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Career History

- 2003-2012: Barrister, St Philips Chambers, UK
 - 2012-2015: Registrar, LCIA-MIAC Arbitration Centre, Mauritius
 - 2015-2019: Counsel, Stephenson Harwood LLP, UK
 - 2019-date: Partner, Howard Kennedy LLP, UK
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Accreditation

- Fellow of the Chartered Institute of Arbitrators (2020)
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