



ARBITRATION
ADJUDICATION
MEDIATION
EXPERT DETERMINATION
DRB

Sir Robert Akenhead

Silk: 1989

PRACTICE

Since retirement as a judge, Sir Robert acts as arbitrator, adjudicator, expert, conciliator and mediator in disputes across the world. He is also appointed to Dispute Adjudication/Review Boards. His international practice means he is involved extensively in arbitrations and disputes relating to projects inter alia in China, India, Pakistan, Hong Kong, Singapore, Fiji, Egypt, Algeria, Ghana, Kenya, Iran, Yemen, Bahrain, Dubai, Oman, Trinidad, Bahamas, Dutch Antilles, Malaysia, Indonesia, Brunei, Philippines, Russia, and Poland.

In continuous practice from 1973 to 2007 as a specialist construction law barrister, Sir Robert Akenhead had an extensive UK and international workload, both in court and in arbitration. His work covered a wide-ranging field of different types of construction: buildings, power stations, dams, tunnels, roads, bridges, oil and gas installations, harbours, pipelines, dredging, reclamation, mining operations, mechanical and electrical works, airports, shipbuilding, and computer technology. He acted for employers, developers, governments, local/administrative authorities, contractors, sub-contractors, all types of construction-related professionals (e.g., architects, engineers, quantity surveyors and project managers) and funding institutions.

Within this specialist field, he acted in various cases involving disputes concerning defects, final accounts, measurement, delay and disruption claims, professional negligence, bonds and guarantees and, contractual and statutory interpretation.

Over his 8 years as a High Court Judge, he dealt with all types of construction, engineering, and technology cases, including appeals from and challenges to arbitral awards.

ARBITRATOR APPOINTMENTS

Examples include:

- Disputes relating to delay and defects on multi-storey housing blocks. (Gibraltar) - Chairman of ICC Tribunal.

- Appointed as party appointed arbitrator in an LCIA arbitration regarding damage to a petrochemical plant in Kingdom of Saudi Arabia caused by explosions and causing the death of one person and injuries to others. Claims in excess of 340millionUS
- Party nominated arbitrator (ICC) regarding a desalination plant in Qatar.
- President in an LCIA arbitration regarding photovoltaic modules and PV panels for various solar energy projects across the world. Claims in excess of USD100million.
- Party nominated arbitrator (ICC) regarding a motorway project in North Macedonia. Claims in excess of USD50million.
- Appointed as party nominated arbitrator in an ICC arbitration regarding a rapid transit system in Kingdom of Saudi Arabia.
- President of an ICC arbitration regarding an oil storage terminal in UAE
- President in an LCIA arbitration regarding an oil field in Iraq
- Sole arbitrator under ICE rules regarding upgrade works to a major carriageway in UK
- Party nominated arbitrator (UNCITRAL rules seated Oman) regarding 2 gas supply stations in Middle East.
- Hydro electric plant in South Asia – Party nominated - (UNCITRAL rules, seat Nepal).
- IT program for UK Government – Party nominated - LCIA arbitration.
- Biomass power station in UK – President – ICC
- Oil and Gas facility in Kuwait – party nominated – ICC
- Desalination plant in Qatar – President – ICC
- Hotel resort in UAE – party nominated – ICC
- Airport in Southeast Asia – Party nominated - SIAC
- Disputes relating to marine harbour works. (Oman) - ICC arbitration.
- Disputes relating to power station –delays and damages- English arbitration.
- Fire Insurance dispute (Tanzania) - Chairman of arbitrators.
- Power station disputes (Philippines) - Arbitrator
- Oil processing and refinery dispute (Kazakhstan) –defects – one of three arbitrators LCIA arbitration
- Oil pipeline dispute (Turkey) -delay – ICC arbitration
- Naval base reconstruction – UK arbitration
- Steelworks (Egypt) – variations and delay– ICC arbitration
- Magnesium plant (Jordan) – termination and delay – ICC arbitration
- Insurance dispute UK – sole arbitrator – LCIA arbitration
- Mining infrastructure (crushing plant/railway line/locomotive and wagons and marine facility) disputes – final account – delays – defects - Pacific Rim – chairman SIAC arbitration

- Gas pipelines arbitration Pacific Rim – delays, variations, and defects – SIAC arbitration, party nominated arbitrator
 - Airport arbitration Middle East– ICC - party nominated arbitrator
 - Process plant arbitration – delays and termination - Middle East – sole arbitrator
 - Oil handling disputes arbitration – accounting disputes – Australia – party nominated member
 - Tram provision contract disputes - UK – sole Arbitrator
 - Oil and gas land installations – Northern Territory, Australia -SIAC Arbitration
 - Caspian Sea Oil platform support services – LCIA Arbitration – party nominated arbitrator – variations and delays
 - Arbitration – Chairman – Australia – power supply issues
 - Arbitration – ICC – Chairman – Power station construction – Iraq
 - Arbitration – ICC – Sole arbitrator – Polysilicon production plant dispute – Middle East
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ADJUDICATOR APPOINTMENTS

Examples include:

- Disputes relating to final account claims on a nuclear power station related construction project. (UK) - Adjudicator.
 - Dispute concerning an NEC3 contract to provide design and construction works and services for a UK Government facility.
 - Disputes relating to a power station- delays and loss. (Indonesia) - Adjudicator.
 - North Sea Operations dispute – Adjudicator.
 - Hydropower Project (Pakistan) - Dispute Review Board Chairman
 - Nuclear Power Plant in Northern Europe – DAB member
 - Container Terminal in Americas – DAB chairman
 - Airports in Middle East – DAB member
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MEDIATOR APPOINTMENTS

Examples include:

- West African Hydro-Electric Scheme
- Underground Railway disputes in Southeast Asia – Mediator/Conciliator.
- Flood Relief Scheme dispute (UK) – Conciliator.
- Far Eastern airport disputes, one with a claim of over USD700million
- Hotels in London and surrounding area
- Middle East dam disputes

- Refurbishment of an Emergency care Hospital in England under a PFI contract. GBP140Million claim.
 - Harbour works in UK
 - Fire safety defects following a renovation of a local authority housing estate in England. Cladding was part of the renovation. Six parties and insurers
 - Petrochemical facility in the Middle East.
 - 26km high speed rail link in the Far East. It was one of the most expensive infrastructure undertakings in the area
 - A high-voltage direct current undersea electrical link in the UK.
 - Motorway term maintenance (UK) – expert determination
 - UK Motorway term contract – expert determination
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COUNSEL ARBITRAL APPOINTMENTS

Examples of arbitrations (Counsel involvement):

- 1985-88 - Arbitration (in London) - acted for contractors being claimed against by USA Company for \$30m for alleged defects in oil trans-shipment facility marine jetty. After c40 days of hearing the USA company effectively withdrew.
- 1987-89 - Arbitration (in London) - acted for a Saudi Arabian building materials factory claiming cUS\$20m from an American company which counterclaimed cUS\$30m. ICC arbitration.
- 1989 - 1993 - Arbitration (in Paris) - acted for Italian contractors claiming substantial sums against a Middle East government agency relating to the construction of an embassy building in a North African country. Four substantive hearings have established liability in favour of the contractors. UNCITRAL Rules applicable. Algerian law applicable.
- 1996 - 2000 - acted as counsel for Italian J.V. on repudiation claim relating to a dam contract in Kenya - three substantive hearings in Paris. Kenyan law. Clients recovered c\$6m.
- 1999 - 2000 - acted as counsel in UNCITRAL arbitration in Trinidad - disputed related to \$300m oil refinery refurbishment.
- 1999 – 2001 - acted as counsel on a US\$ 350m river training World Bank funded project- appeared on two DRB hearings in Bangladesh.
- 1998 – 2001 - acted as counsel on oil platform dispute (Sharjah) with hearings in London.
- 1998 - 2000 - acted as counsel directly retained by Indonesian clients - claim by Dutch contractors on dredging/reclamation project. Two hearings in Java. Counterclaim for defects.
- 1999 - Advised international contractors on power station projects in China.
- 2001 - Acted as counsel on earthworks dispute on Chep Lap Kok airport, Hong Kong. Arbitration hearings in Hong Kong.
- 2001- Acted as counsel for a government agency on hydro-electric/dam project in China (\$300m claims).

- 2002- 2003 - Acted as counsel for government agency on a water and tunnelling project in China (\$400m claims).
- 2002 - 2004 - Acting as counsel on a major arbitration in Hong Kong in relation to short bored piles.
- 2002 – 2003 – Retained as counsel in Hong Kong arbitration relating to a building services dispute on Hong Kong Airport.
- 2003-2004 - Retained as counsel in relation to a major power station project in Indonesia.
- 2004-2006 – Acted as counsel on land reclamation misrepresentation claim in Hong Kong.
- Arbitration – ICC – Sole arbitrator – Polysilicon production plant dispute – Middle East.

JUDICIAL APPOINTMENTS

Sir Robert has over 200 reported cases between October 2007 to August 2015 (see TCC cases on www.bailii.org) examples include:

- **Mears Ltd v Shoreline Housing Partnership Ltd** [2015] EWHC 1396 (TCC) (20 May 2015) – trial – estoppel issues.
- **The Bodo Community & Ors v The Shell Petroleum Development Company of Nigeria Ltd** [2014] EWHC 1973 (TCC) (20 June 2014) – Niger Delta oil spills – 15,000 claimants in nuisance and similar – preliminary issues on Nigerian law.
- **Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar** [2014] EWHC 1028 (TCC) (16 April 2014) – Gibraltar airport tunnel contract – delay/termination issues – trial – upheld in Court of Appeal.
- **Savash v CIS General Insurance Ltd** [2014] EWHC 375 (TCC) (20 February 2014) – insurance claims – fraud issues – trial.
- **TSG Building Services Plc v South Anglia Housing Ltd** [2013] EWHC 1151 (TCC) (08 May 2013) – adjudicator's decision – Part 8 proceedings about extent of implication of good faith.
- **Cleightonhills v Bembridge Marine Ltd & Ors** [2012] EWHC 3449 (TCC) (05 December 2012) – third party proceedings after serious personal injuries – trial.
- **Walter Lilly & Company Ltd v Mackay & Anor** [2012] EWHC 1773 (TCC) (11 July 2012) – delay disruption and defects claim – standard form of building contract – lengthy trial – contractor's claim allowed.
- **Simon Carves Ltd v Ensus UK Ltd** [2011] EWHC 657 (TCC) (23 March 2011) – performance bond – injunction to restrain call on bond continued.
- **Walter Llewellyn & Sons Ltd & Anor v Excel Brickwork Ltd** [2010] EWHC 3415 (TCC) (22 December 2010) – application for stay of court proceedings under S. 9 of the Arbitration Act 1996 – refused on grounds no arbitration clause in contract as found.
- **Corby Group Litigation, Re** [2009] EWHC 1944 (TCC) (29 July 2009) – negligent reclamation of contaminated steel site – birth defects caused – 9 week trial and 400 page judgment.

- **Cantillon Ltd v Urvasco Ltd** [2008] EWHC 282 (TCC) (27 February 2008) – adjudication – natural justice and jurisdictional challenges – severance of enforceable parts of decision.
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LEGAL TEXTS

- Editor (Joint), *Building law Reports* 1999 – date
 - *Site Investigation and the Law* (1984 Thomas Telford) with J Cottingham.
 - *Technology and Construction Court Practice and Procedure* (2006 OUP) with Michael Davis
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QUALIFICATIONS, AWARDS AND APPOINTMENTS

2016-2019	Appointed to the KLRCA Panel of Arbitrators
2010-2013	Judge in Charge of the TCC FCIArb
2007-2015	High Court Judge (Queens Bench Division allocated to the TCC)
1991–2007	Recorder and Deputy Construction Court Judge
1997	Bencher Inner Temple
1989	Appointed Queens Counsel
1972	Called to the Bar of England and Wales

RECENT RECOMMENDATIONS

"Absolutely top notch. He has really good judgement, works hard and is always on top of the papers."

"He is very impressive, effective and spot on with the legal procedure."

International Arbitration: Arbitrators, Chambers and Partners UK Bar 2021

Sir Robert is recommended as a mediator in The Legal 500 2021

"He has a remarkable capacity to pick up a case quickly."

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