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## DR ROBERT GAITSKELL QC

Call: 1978 / Silk: 1994

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### Areas of Practice

- Arbitration
- Adjudication
- Dispute Board Appointments
- Mediation
- Expert Determinations
- Arbitration & Litigation (As Counsel)

### Clerks' Details

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### Practice Overview

Dr Robert Gaitskell QC practises from Keating Chambers, specialising in technology, engineering and construction disputes, often of an international nature. He was called to the Bar in 1978, appointed Queen's Counsel in 1994 and sat as a Recorder (part-time judge) from 2000 - 2010. Robert Gaitskell predominantly acts as an arbitrator, adjudicator, dispute board member and mediator. He is both a lawyer and a professional engineer. He is the editor of 'Keating Construction Dispute Resolution Handbook' (3rd edition 2016); and a former Vice President of the IEE/ IET (Europe's biggest professional engineering institution). He is a member of the Singapore National Electricity Market Dispute Resolution & Compensation Panel. Dr Gaitskell is the chairman of a dispute board for a Euro 20 billion nuclear energy project. He writes extensively and lectures throughout the world on legal/engineering subjects, including at CERN in Geneva and Xerox PARC in Silicon Valley.

#### Current Activities

Dr Gaitskell is currently acting as chairman or member of various ICC, LCIA, UNCITRAL, SIAC, ACICA, AICA/KLRCA, EDF, DIAC, ICDR/AAA, Dubai RTA and other arbitral tribunals, dealing with matters such as oil and gas installations and pipelines, power stations, oil and gas plants, petro-chemical works, and other complex and high-value engineering and process projects. As examples, he is the chair of an arbitral tribunal dealing with a major LNG project in Australia, a member of the tribunal for a dispute concerning a Central American shipping canal, a dispute board chair in respect of a major African power project, a tribunal member for a Dubai construction dispute, and for a Korean infrastructure arbitration, and for a Qatari utilities dispute. He is the sole arbitrator for a major railway dispute. He was the expert determinator for an Omani power station. He has recently mediated a Singaporean hi-tech dispute and chaired a tribunal dealing with energy pricing in S.E. Asia. He has also advised on a dispute concerning a Russian floating nuclear power facility. He was recently a co-arbitrator on an ICC panel dealing with a dispute concerning a sub-sea gas pipeline bringing energy supplies from Russia to Europe. He is also conducting an African mining arbitration and chairing a dispute panel dealing with defence projects in the UK. He has recently advised the Corporation of London on a major structural project and represented the Isle of Man Government in the Privy Council in an infrastructure project.

In addition to his practice at the Bar, Robert Gaitskell is a Chartered Engineer and Fellow of the Institution of Engineering and Technology and is a former Senator of the Engineering Council. He is also a Fellow of the Institution of Mechanical Engineers and a Fellow of the Chartered Institute of Arbitrators. Robert Gaitskell's wide experience as an engineer, both in the UK and abroad, has included power generation, transmission, distribution and application, motor control and oil rig design.

Robert Gaitskell has lectured on the University of London (King's College and Queen Mary's) LL.Ms in International Arbitration, dealing with Infrastructure arbitrations. Chambers & Partners' directory consistently recommends him as a leading international arbitrator.

He also regularly carries out expert determinations involving complex engineering disputes. He is Chairman of the IET/IMEchE Joint Committee on Model Forms, which produces the MF/1-4 suite of contracts used for major electro-mechanical projects worldwide. His doctorate from King's College London concerned standard form engineering contracts. He is a Bencher of Gray's Inn and a former member of the Council of the Inns of Court (COIC) Tribunals Appointment Body. Robert has recently been appointed to the panel of mediators for the Japan International Mediation Centre in Kyoto (JIMC-Kyoto).

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## Recent Cases

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### Arbitration

- Dr Gaitskell has conducted over 100 arbitrations, throughout the world. He regularly lectures on the subject, including for the ICC, SIMC, CI Arb etc.
- Party Nominated Arbitrator in an ICDR Arbitration under AAA Rules regarding an oil rig (Seat in Houston). Robert Gaitskell is on the AAA Roster of Arbitrators.
- ICC arbitration regarding disputes arising out of the construction of the Panama Canal (Seat in Miami).
- Member of arbitration tribunals dealing with inter alia, disputes concerning an under-sea fibre optic cable, an Indian housing project, an Iraqi power station, and a Russian oil and gas project.
- Chairman of ICC arbitration tribunals hearing, amongst other things, multi-million pound disputes concerning offshore oil exploration, a Ukrainian infrastructure project and a US military facility.
- Sole arbitrator dealing with a UK rail dispute, a Caribbean hospital, a Middle East commercial building, an infrastructure project in the D.R of the Congo, a gas engineering plant and a Hong Kong public works project.

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*“One of the premier construction arbitrators in the world: very experienced, efficient, patient and fair.”*

Legal 500 Asia Pacific 2019

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### Adjudication

- Acted as adjudicator on over 50 major disputes relating to engineering, energy and infrastructure disputes. He is the named adjudicator in various Channel Tunnel Rail Link contracts, and has conducted a number of adjudications on this ongoing project.
- Regularly appointed by the President of the Institution of Engineering and Technology (IEE/ IET) in respect of electrical and mechanical engineering disputes and by CEDR on domestic and international adjudications.
- Advised the construction industries in two foreign countries as regards the introduction of statutory adjudication, and lectures widely on the subject.

More detailed information is available on request.

### Dispute Board Appointments

Dr. Gaitskell is the chairman of the European ITER nuclear fusion project Dispute Board. He is an experienced Dispute Board (DB) Chairman who lectures and writes upon the process. Robert

Gaitskell gave an International Chamber of Commerce (ICC) Lecture on Dispute Boards at the launch of the ICC's DB Rules, and recently gave an ICC lecture on Dispute Boards. A paper by him on the subject is available on the Society of Construction Law website. He recently lectured at the Chartered Institute of Arbitrators on DBs.

Robert Gaitskell is also the Editor of the Keating Construction Dispute Resolution Handbook (3rd edition 2016), in which he deals with the DB procedure in international disputes.

**His current and recent DRB appointments include:**

- conducting a Dispute Board relating to the Caribbean oil industry;
- Chairing two dispute boards concerning one of the world's largest power stations, based in Africa;
- acting as Dispute Review Board Chairman in respect of a World Bank funded telecommunications project in India;
- acting as Sole Member for a DB procedure concerning a defence installation project; and
- acting as Dispute Board Chairman in respect of two major (£0.5 billion each) construction projects involving the British MOD. Both projects extend well into the future.

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*“An outstanding and pre-eminent arbitrator with the huge advantage of an engineering as well as a legal background.”*

**International Arbitration: Arbitrators, Legal 500 2020**

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#### **Mediation**

Robert Gaitskell has carried out over 100 mediations in the commercial, construction, engineering and intellectual property sectors; many abroad including Hong Kong, Taiwan, Singapore and South Africa. He is one of the Bar Council's recommended experienced mediators at the Bar. He is recommended by 'The Legal 500' as a leading mediator. He has recently lectured in Singapore, Kuala Lumpur (2016) and at the IBA Vienna conference (2015) on oil and gas mediations.

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*“Undoubtedly one of the top construction arbitrators, with enormous experience.”*

**Who's Who Legal 2019: Global Construction**

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#### **Expert Determinations**

Recent appointments (drawing on Dr. Gaitskell's status as a Chartered Engineer) concern a Zambian mine plant and a Middle East power station.

#### **Arbitration & Litigation (As Counsel)**

- Advised a European contractor on claims regarding power station desulphurisation conversion.
- Advised a major Scottish engineering contractor on delay and loss and expense claim.
- Advised the Corporation of London on a multi-million pound professional negligence claim in a complex engineering project.
- Advised on the decommissioning of a major UK power station.
- Represented a foreign government in the Privy Council in a sewerage project dispute.
- Advised a foreign government on a major national library project.

Dr Gaitskell has worked in (amongst other places) the United States, Canada, Mexico, Denmark,

Hong Kong, Malaysia, India, Poland, Singapore, South Africa, Mauritius, Switzerland, Belgium, Panama, France, New Zealand, Australia, Zimbabwe, Taiwan, Korea, Trinidad and Tobago, the Dominican Republic, Dubai, Oman, Qatar and Abu Dhabi.

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## Selected Reported Cases

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- **Mount Murray v Department of Transport** [2004] UKPC 57
- **Costain Civil Engineering Ltd v Zanen Dredging and Contracting Ltd** [1996] 85 BLR 77

More recently Robert's practice has been largely in arbitration and acting as an arbitrator, adjudicator, dispute board member and mediator, but more detailed information about his reported cases is available on request.

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## Education & Professional Career

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BSc in Electrical Engineering, University of Cape Town	1971
Working as an electrical engineer in the UK, Zimbabwe, S Africa and projects for North Sea oil rigs and the Thames Barrier	1971 - 1978
Called to the Bar (Gray's Inn)	1978
Keating Chambers	1979
Chartered Engineer	1993
Fellow of the Institution of Electrical Engineers (FIEE/FIET)	1993
Queen's Counsel	1994
Fellow of the Chartered Institute of Arbitrators (FCIArb)	1995
PhD, King's College, University of London	1998
Fellow of Institution of Mechanical Engineers (FIMechE)	1998
Vice President, IEE	1998 -2000
CEDR Accredited Mediator	1999
Recorder (part-time judge)	2000-2010
Master of the Bench of Gray's Inn	2003
Member of the Dubai International Arbitration Centre	2007
CEDR Adjudicator Panel	2006
Approved Arbitrator, Hong Kong International Arbitration Centre	2006
Fellow of the Singapore Institute of Arbitrators	2006
NEMS (Singapore National Electricity Market): member of Dispute Resolution & Compensation Panel	2008
Approved Arbitrator, Engineers Ireland Panel of Arbitrators	2011
Council of the Inns of Court Tribunals Appointments Body	2012
Approved Mediator, Kuala Lumpur Regional Centre for Arbitration	2013
Mediation Panel, Singapore International Mediation Centre	2015
Mediation Panel, Japan International Mediation Centre in Kyoto	2018

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## Memberships

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Chairman of the Joint IET/IMechE Committee on Model Forms (which produces the MF/1-4 suite of contracts)

Heilbron Committee on Civil Procedure

Technology and Construction Bar Association (Committee Member 1987-1993),(TECBAR)  
London Commercial & Common Law Bar Association (Committee Member 1987-2000)  
Commercial Bar Association (COMBAR)  
Singapore International Arbitration Centre 2006 (Fellow)  
CEDR Adjudication Panel  
SIMC Mediation Panel (top level)

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## Seminars, Publications & Papers

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- Keating Construction Dispute Resolution Handbook, 3rd Edition Editor: Dr Robert Gaitskell QC 2016.
- Contributor, Keating on Construction Contracts - 10th edition (2016)
- Webinar - "Mediation style", Dec 2014.
- Webinar - "The Nuclear Option: A guide to avoiding dispute meltdown", Dec 2014.
- Webinar - "Cost-Effective Construction Arbitration", Sep 2014.
- New forms of energy: Nuclear fusion - Dispute boards for the ITER project: OGEL 10th Volume Special Issue, March 2012.
- Trendsetters: Asia-Pacific Jurisdictions lead the way in Dispute Resolution,' Penn State University, 'Yearbook on Arbitration and Mediation', 2012.
- Trends: dispute resolution in the credit crunch: Construction Law International (IBA) Robert Gaitskell QC Vol.6, Issue 3, October 2011.
- Construction Dispute Resolution Handbook 2nd Edition Editor: Dr Robert Gaitskell QC May 2011, Thomas Telford.
- Mediation in three dimensions', Construction Law Review 2010.
- Oil, Gas & Energy Disputes: Trends in Tough Times Robert Gaitskell QC 5 October 2009.
- Break It Up! At a time when disputes are becoming all too common it's vital to know how to manage them without destroying your company Robert Gaitskell QC 27th February 2009 Building Magazine.
- Legal Update columnist for Engineering Management Journal.
- Editorial team member for Construction Law Yearbook. Nos. 1-3.
- Publication on MF/1 model form: Power Engineering Journal Dec 2001.
- Publication on "Technological literacy in China: The international role of professional engineering institutions", Cambridge Review of International Affairs Vol XIV No.1, 2001.
- Publication on engineering and scientific forensic experts, Engineering Management Journal Jan 2000.
- Publication on legal and other implications of information technology, Engineering Management Journal Feb 2000.

Robert Gaitskell has lectured to a wide variety of professional audiences including the Xerox Palo Alto Research Center (California), the Chartered Institute of Arbitrators, the Society of Construction Law, the Engineering and Technology Board in Mauritius, the European Particle Physics Establishment in Geneva, the KLRCA in Malaysia, the SIMC and the IET in Singapore, and the New Zealand SCL. He has been visiting Lecturer at King's College and at Queen Mary's College, London.

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## Additional Information

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Dr Gaitskell is a Bencher of Gray's Inn. He was also a member of the Bar Council's Information Technology and Services Committee, and serves on various other professional committees. He is a Liveryman of the Worshipful Company of Engineers, and of the Company of Arbitrators and was a member of the Court of Assistants of the latter.