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PAUL BUCKINGHAM KC

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Areas of Practice

- Construction & Engineering
- Energy & Natural Resources
- Offshore Construction & Marine Engineering
- IT & Technology
- Professional Negligence
- PFI/PPP

Clerks' Details

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Practice Overview

After spending eight years with BP as a chemical engineer in the oil and gas industries, Paul Buckingham KC was called to the Bar in 1995 and has since specialised in major construction, engineering and energy disputes. His particular area of interest and expertise lies in international arbitration work.

He has worked on a wide range of contentious matters involving international construction and engineering projects. He has extensive experience of numerous arbitrations under ICC, LCIA, UNCITRAL and ad hoc rules. He has also acted on disputes involving most standard form contracts and their derivatives, including the JCT, ICE, IChemE and FIDIC Forms.

He regularly acts for clients in court, domestic and international arbitration, adjudication and mediation hearings. Paul also has experience at all levels of alternative dispute resolution including dispute review boards, project appeal panels and direct settlement negotiations. His international work includes matters in the Middle East, Europe, the Far East, Africa and the Caribbean.

In addition, Paul has been appointed as arbitrator, adjudicator, dispute board member and neutral evaluator on a range of disputes involving construction and engineering projects.

Recent Cases

Construction & Engineering

- Acted for the main design and build contractor defending claims for defects in the construction of a hydrocarbon storage facility in the UK.
- Acted for the oil producer in respect of a claim for the termination of a long-term oil processing agreement as a result of 'force majeure'.
- Acted for a major middle eastern design and build contractor in respect of claims against the subcontractor arising out of a refinery upgrade project.
- Acted for the main contractor in respect of claims against the subcontractor for defects on the construction of a large coal-fired power station in South Africa.
- Acted for the owner and operator of a UK refinery in respect of claims for cost overruns and delays during an upgrade project.
- Acting for a contractor in the High Court in respect of claims arising out of the supply of 28 compressors for a pipeline project in Spain.
- Acted for a Korean contractor in an ICC arbitration against its Middle Eastern joint venture partner concerning claims arising out of the construction of a water storage facility in the Middle East.
- Acted for a Japanese/UK joint venture partnership defending subcontractor's claims in an UNCITRAL arbitration arising out of the construction of a LNG plant in the Middle East.
- Acted for a US design and construction company in a claim for outstanding design fees on a major planned infrastructure and leisure development in the Middle East, conducted under UNCITRAL Rules.
- Acted for Multiplex in a High Court claim to recover a £4 million advance payment under the terms of a personal guarantee.
- Acted for a main contractor in two ICC arbitrations arising out of the design and construction of flue gas desulphurisation plants at power stations in the UK, together with several related adjudications.
- Acting for a contractor in an international arbitration concerning claims arising out of the expansion of an airport in the Caribbean.
- Acted for Multiplex in the High Court in respect of disputes arising out of the construction of the Wembley Stadium in London, including two successful references to the Court of Appeal.
- Acted for a US company on claims in the High Court arising out of the construction of its distribution warehouse in the UK. Participated in a four party mediation and settlement of the matter.
- Acted for Eurostar on claims in the High Court arising out of the construction of the Waterloo International Terminal. Actively involved in a five party mediation and settlement of the matter.

“A qualified chemical engineer, solicitor and barrister who utilises his background to great effect especially when dealing with matters with a technical background.”

Legal 500 2021

Energy & Natural Resources

- Acted for a pipeline contractor in an UNCITRAL arbitration arising out of the design and construction of an oil pipeline in West Africa.
- Advised a US design and construction contractor on a series of disputes in the Middle East, including the construction of an oil separation plant, a desalination plant, and a power station.
- Acted for the main contractor in two ICC arbitrations arising out of the design and

construction of a gas fired power plant in the Caribbean, together with a series of related dispute board adjudications.

- Acted for the employer against a contractor in an ICC arbitration in respect of claims for defects at a diesel power station constructed in the Caribbean.
- Advising a main contractor in respect of claims arising out of the construction of two power projects in Pakistan.
- Acted for a Baltic oil company in an ICC arbitration defending claims made by a Swedish exploration company in respect of oil exploitation rights and the valuation of assets.
- Acted for an Australian oil drilling and exploration company in a LCIA arbitration concerning claims for unpaid fees arising out of a drilling project in East Africa.
- Advised a major design contractor on disputes arising out of a series of power station developments worldwide, including adjudication and subsequent enforcement proceedings.
- Advised a Chinese construction company on the merits of claims arising out of the design and construction of an oil pipeline in East Africa.

“He combines a strong intellect and an impressive knowledge of the relevant law with a willingness to roll up his sleeves and immerse himself in the details of matters.”

Legal 500 2022

Offshore Construction & Marine Engineering

- Acted for the contractor in an LMAA arbitration concerning delay, variation and termination claims arising out of the construction of a semi-submersible drilling rig.
- Acted for a main contractor in an UNCITRAL arbitration arising out of the construction of offshore processing and accommodation platforms in the Middle East.
- Acted for the employer in two ICC arbitrations concerning defects and variation claims arising out of an offshore wind farm development in the East of England.
- Acted for the employer in proceedings arising out of an offshore wind farm development in the North West of England. The matter proceeded to the Supreme Court in respect of the ‘fitness for purpose’ obligations.

“A brilliant barrister with a very sharp and analytical legal brain. His pleadings in arbitration cases are brilliant.”

Chambers & Partners UK Bar 2022

IT & Technology

- Acted of the provider of high-speed broadband in respect of payment claims made by the installation subcontractor.
- Acted for a major US contractor in an LCIA arbitration concerning the termination of a contract during the supply of a major government IT system.

- Acted for a Japanese telecoms company in an ICC arbitration arising out of the construction of a telephone network in the Philippines. Advised on proceedings issued in the local court by the defendant and on a parallel local arbitration commenced by the defendant.
- Acted for a Baltic telephone company in an ICC arbitration concerning claims arising out of an agreement for the modernisation and development of the existing telephone network.

Professional Negligence

- Acted for the owner of a mixed hotel/residential/commercial property in respect of claims against the architect and professional team for fire safety and cladding defects.
- Acted for the NHS Hospital in respect of claims against the design and build contractor for fire safety and cladding defects.
- Acted for the main contractor in respect of claims for defects in the cladding at a student halls of residence facility in central London.
- Advised a local authority in respect of claims against its professional advisers in respect of under-performance issues at a waste processing facility and associated gasifier.
- Acted for the police authority in respect of fire safety and cladding defects at a police station and court facility in the UK.
- Acted for Multiplex in its claims against Mott MacDonald in the High Court arising out of the construction of the Wembley Stadium in London.
- Acting for the employers in respect of claims against the architect on a high value residential building project.

“He is always extremely well prepared, very thorough, pleasant to listen to as an advocate and is able to simplify complex issues.”

Chambers & Partners UK Bar 2023

PFI/PPP

- Acted for Tees Esk and Wear Valleys NHS Foundation Trust in a High Court dispute concerning construction defects in a medium secure mental health facility in Middlesbrough.
- Acted for the SPV responsible for the operation of numerous prison facilities in the UK in respect of outstanding payment claims against the Ministry of Justice.
- Acted for a local authority in the North-West in respect of a dispute concerning penalty deductions for the defective performance of a PFI contract for street lighting.
- Acted for a local authority in respect of claims for under performance and delay on a waste processing facility and associated gasifier.
- Acted for Essex County Council in a High Court dispute concerning the performance of a waste treatment facility in Essex and the council’s right to terminate the contract.
- Advised the SPV in respect of disputes concerning life cycle maintenance obligations arising out of a PFI project in Scotland.
- Acted for the concessionaire on a PFI hospital project in the North East in connection with disputes concerning availability payments and entitlements to extensions of time.

Selected Reported Cases

- Essex CC v UBB Waste (Essex) Ltd [2020] EWHC 1581 (TCC) [2020] 6 WLUK 245, [2020] 191 Con LR 77
- Multiplex Construction Europe Ltd v Dunne [2017] EWHC 3073 (TCC) [2018] BLR 36 [2018]

175 Con LR 21 [2018] CILL 4077

- MT Hojgaard v EON Climate and Renewables and another [2017] UKSC 59, [2018] 2 All ER 22, [2017] BLR 477, [2017] 173 Con LR 1, [2017] CILL 4032
- MT Hojgaard v EON Climate and Renewables and another [2015] BLR 55. [2014] CILL 3523, [2014] EWCA Civ 710
- MT Hojgaard v EON Climate and Renewables and another [2014] BLR 450, [2014] EWHC 1088 (TCC)
- Beck Interiors Ltd v Dr Russo [2010] 1 BLR 37, [2009] EWHC 832 (TCC)
- BT PLC v SAE Group Inc [2009] BLR 231, [2009] EWHC 252 (TCC)
- F Ltd v M Ltd [2009] 1 Lloyd's Rep 537, [2009] CILL 2681, [2009] 2 All ER (Comm) 519, [2009] EWHC 275 (TCC)
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd [2009] 1 Costs LR 55, [2008] 122 Con LR 88
- The Dorchester Hotel Ltd v Vivid Interiors Ltd [2009] BLR 135 TCC, [2009] CILL 2676, [2009] EWHC 70 (TCC), (2009) 25 Const LJ 449, 122 Con LR 55, [2009] Bus LR 1026, 25 Const LJ 449
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd [2008] 118 Con LR 16 CA
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd [2007] Con LJ 299
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd [2006] 107 Con LR 1 TCC
- Balfour Beatty Construction Ltd v Serco Ltd [2004] All ER (D) 348 TCC

Education & Professional Career

BSc Chemical Engineering (First Class), Birmingham	1985
British Petroleum (Design and Construction)	1985-1993
Chartered Engineer (CEng)	1990
Called to the Bar (Middle Temple)	1995
ICChemE Accredited Arbitrator and Adjudicator	2006
Fellow of the ICChemE (FICChemE)	2007
Approved Arbitrator, Kuala Lumpur Regional Centre for Arbitration	2015

Memberships

Chairman, ICChemE Dispute Resolution Committee
ICChemE Contract Committee
Society of Construction Law
Technology and Construction Bar Association (TECBAR)
Commercial Bar Association (COMBAR)

Seminars, Publications & Papers

- Construction Law Journal – International Case Note Editor
- Construction Dispute Resolution Handbook, 2nd edition, published in 2011 – Arbitration Section
- Keating on Construction Contracts, 9th and 10th edition – Contributor

He is a regular contributor to industry journals on construction law and a speaker at a wide range of seminars and events.

Additional Information

Paul's interests include running, skiing and classic cars.