



## DAVID MILDON

Essex Court Chambers  
24 Lincoln's Inn Fields  
London WC2A 3EG United  
Kingdom

And at Maxwell Chambers  
32 Maxwell Road  
Singapore 069115

Tel: +44 (0) 20 7813 8000  
Fax: +44 (0) 20 7813 8080  
Email: [dmildon@essexcourt.net](mailto:dmildon@essexcourt.net)

### Practice

- Arbitration
- Art Litigation
- Banking
- Climate Change Levy and Renewables Obligation
- Commercial Litigation
- Energy and Utilities
- Financial Services
- Insurance and Reinsurance
- ITF / Union Work
- Oil and Gas
- Private International Law
- Public International Law
- Sale of Goods and Product Liability
- Shipping
- VAT

David Mildon's practice covers a wide variety of commercial litigation and international arbitration. He has also been involved as advocate in a number of expert determinations and has appeared in various roles in disciplinary proceedings in the insurance and financial services industries. His main fields of practice include oil, gas, and electricity litigation, insurance, banking, shipping, international sale of goods and financial services. His work has also included media related disputes, fine art, VAT, IPT, Climate Change Levy (CCL), Renewables and carbon trading. He has appeared as advocate in arbitrations overseas and in the High Court of Antigua. He has given papers on oil, gas and electricity related topics and on the interaction between expert determination and arbitration at international conferences and also on shipping issues at The London Shipping Law Centre.

### Career

2000	Silk
1981	Essex Court Chambers
1980	Call: Middle Temple

<b>Education</b>	1980	Council of Legal Education
	1979	LLB (First Class Hons), Emmanuel College, Cambridge
	1978	Law Tripos Part II (First Class Hons), Emmanuel College, Cambridge
	1978	Cambridge University Certificate of Competent Knowledge in French
	1976	Economics Tripos Part I (First Class Hons), Emmanuel College, Cambridge
<b>Nationality</b>		British
<b>Languages</b>		French
<b>Member</b>		<p>SIAC (Singapore International Arbitration Centre) Panel</p> <p>DIAC (Dubai International Arbitration Centre) Panel</p> <p>EAA (Electricity Arbitration Association) Panel</p> <p>Energy Arbitrators' List</p> <p>Lloyd's Enforcement Tribunal Chairman (Panel)</p> <p>London Court of International Arbitration</p> <p>ICC United Kingdom</p> <p>London Maritime Arbitrators Association (Supporting Member)</p> <p>London Shipping Law Centre</p> <p>London Common Law and Commercial Bar Association (Committee)</p> <p>Commercial Bar Association (COMBAR)</p>
<b>Publications</b>		<p>"Agreements to Agree: Does Expert Determination Provide a Default Solution?", TDM, Vol. 2, November 2005 (<a href="http://www.transnational-dispute-management.com">http://www.transnational-dispute-management.com</a>)</p> <p>"Property in commingled gas: the legal structures compared", OGEL, vol.4, May 2006, (<a href="http://www.gasandoil.com/ogel/">http://www.gasandoil.com/ogel/</a>)</p>

## Specific Areas

### Arbitration and Expert Determination

David Mildon regularly accepts appointment as arbitrator within the fields of his practice both under institutional arrangements (eg DIAC, ICC, LCIA, EAA) and in ad hoc arbitrations. Over the last year he has sat as arbitrator in Dubai (DIAC), Budapest (Hungarian Chamber of Commerce), and Geneva (ad hoc). He appears as advocate in various types of arbitration (ICC, SIAC, LCIA, UNCITRAL, EAA, RSA, LMMA, LME) predominantly in London but also in Paris, Hong Kong, Singapore and elsewhere. He has appeared in court proceedings in England concerning arbitration including *Barrington-Hume v AA Mutual International Insurance Company Ltd* [1996] LRLR 19 (composite insurance – whether multiple arbitrations), *Sheltam Rail v Mirambo* [2008] 2 Lloyds Rep 195 (discontinuance of proceedings under 1996 Act), *National Power Plc v National Grid Plc* (CA, 16.7.98, 1998 LI R Alert issue no.21) (interaction between the dispute resolution functions of the regulator and private arbitration in the electricity industry) and *P T Thiess Contractors Indonesia v P T Kaltim Prima Coal* [2011] EWHC 68 (Comm) (interaction between Singapore arbitration clause in substantive service agreement and London jurisdiction clause in security documentation).

David Mildon also appears as advocate in expert determinations and has acted as the decision maker under several expert determination clauses.

David Mildon spoke on Disputes Amongst Companies at the ICC/AIPN Conference on Dispute Resolution in the International Oil and Gas Business in Paris in October 2007. He delivered a paper on Gas Pricing Disputes at the ICC/AIPN Paris conference on dispute resolution in October 2011. He spoke on dispute resolution under long term energy agreements at a private seminar in Brisbane, Australia in early February 2012.

### Energy and Utilities

This is one of David Mildon's most significant areas of specialisation. He regularly provides advocacy and advisory services throughout the energy sector worldwide. The subject matter includes oil, gas, coal, electricity, renewables and related topics such as utility regulation (including relevant parts of EU law such as the Internal Market Directives for gas and electricity), Climate Change Levy (including LEC), Renewables Obligation Certificates (ROC), and carbon trading (ETS etc). The forums in which he has appeared include expert determinations, arbitrations, regulatory dispute resolution bodies such as the PNE Panel (2003) as well as High Court litigation. In the High Court he has represented *British Gas* (Brent indexation dispute), *Enterprise Oil Plc* (Nelson field redetermination), *National Power Plc* (take or pay dispute for gas and separate litigation involving electricity connection charges), *Corby Power Limited* (take or pay), *Barking Power Ltd* (warranties on generating sets), *Thames Water* (electricity meter re-registration), *BP Gas Marketing Ltd v Centrica Storage Ltd* [2009] EWHC 732 (gas storage) amongst many others. He has recently made several determinations sitting "as expert and not as arbitrator" under clauses providing for expert determination in energy related contracts. He has acted in numerous price

reviews and indexation disputes under long term energy contracts.

His energy work has a significant international dimension. Apart from all the major North Sea fields and UK/continent gas pipeline issues (Bacton-Zeebrugge and UK/Ireland), he has been involved in oil/gas disputes in Singapore, Indonesia (both oilfield and gas pipeline issues), the Philippines, Peru, Sakhalin, Algeria, Yemen and Trinidad. The contracts have been of all types including Production Sharing Agreements, Joint Operating Agreements, pipeline capacity agreements, Power Purchase Agreements, contracts for supply of steam (CHP units), coal purchase agreements, coal mining service agreements and numerous other forms of long term agreement. David Mildon has participated in the AIPN drafting group for a standard Gas Transportation Agreement. Has worked on investment treaty (ICSID) claims including under the Energy Charter Treaty (the "ECT").

In the electricity sector David Mildon's work has been particularly wide ranging. He has made several expert determinations under clauses in Power Purchase Agreements requiring expert determination. He has appeared in numerous electricity industry arbitrations under Electricity Arbitration Association rules as well as appearing in regulatory matters such as the UK PNE Panel formed under the UK Balancing and Settlement Code. Much of his electricity work involves electricity related issues outside the UK. such as grid trade disputes under EFET terms (continental Europe) and transmission related issues under the former UCTE system (now ENTSO-E). He has acted as arbitrator in Hungary under a Framework Agreement for Electricity Sale and Purchase in central Europe. He has advised on the practical implications of grid trade futures and derivatives designed so as to be Islamic law compliant (Middle East). He is occasionally engaged as co-counsel in disputes where the electricity dimension is ancillary (eg power plant construction).

If you require further information please contact  
[clerksroom@essexcourt.net](mailto:clerksroom@essexcourt.net)