

Oliver McEntee

Year of call 2010

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Oliver joined Kings Chambers following a career as an employed barrister in international firms in London, Singapore and Tokyo. He acts in all areas covered by the Business and Property Team and has particular experience of **arbitration**, **general commercial**, construction and engineering, fraud, insolvency, post-M&A and joint venture matters.

Expertise

ADR Arbitration

Oliver has extensive experience of arbitration both in self-employed practice and from the six years spent at the Employed Bar in leading international firms in London, Singapore and Tokyo. He has acted in commercial arbitrations under the SIAC, ICC, UNCITRAL, LCIA, and JCAA institutional rules as well as ad hoc arbitrations in a wide range of fields including construction, mining, oil and gas, automotive and real estate investment sectors.

Since joining chambers, Oliver has continued to accept instructions in both commercial and construction arbitration work and arbitration-related litigation. Recent matters include:

- Successfully opposing an application for a stay under section 9 of the Arbitration Act 1996 in proceedings for the enforcement of a £2.2 million adjudication award (*Metropolitan Borough Council of Sefton v Allenbuild Ltd* [2022] EWHC 1443 (TCC))
- Obtaining a substantial settlement in an UNCITRAL arbitration of an unfair prejudice dispute
- Acting (with Paul Chaisty KC) in an LCIA arbitration regarding allegations of breach of fiduciary duty in connection with a member's departure from an LLP
- Obtaining a settlement in an ICC dispute between a Chinese supplier and a US oil major in connection with a project in North Africa
- Obtaining (with Kelly Pennifer) an injunction pursuant to section 44(3) of the 1996 Act restraining the respondents to an unfair prejudice petition from operating a compulsory share transfer mechanism pending the constitution of the tribunal
- Acting for an asphalt contractor in conjoined disputes involving allegations of defective work

Oliver's commercial arbitration experience (at the Employed Bar) includes:

- Acting in the successful defence of an ICC arbitration claim for deceit and breach of warranty arising out of the sale of a £300 million business
- Acting for a Fortune 100 company in a SIAC claim for breach of fiduciary duty against its regional CEO (securing a favourable settlement of claims for forfeiture of remuneration and an account of profits on the eve of trial)
- Acting for a Japanese automotive company in the successful defence of a claim for lost profits on the termination of an automotive distributorship in Thailand
- Acting for a European contractor in an UNCITRAL arbitration over delays and disruption in the construction of a petrochemical plant in India

- Successfully defending an ICC claim regarding the termination of a joint venture for the development of a marine engineering product
- Acting for a Japanese automotive marque in an ICC arbitration seeking the dissolution of its equity joint venture with a European automotive giant
- Acting for a Korean contractor in claims against a subcontractor arising out of a significant cost overrun on the construction of an iron ore mine in Australia
- Acting for a Korean contractor in a final account dispute regarding the construction of a railyard at a mining project in Australia
- Advising a US contractor regarding prospective arbitration proceedings in relation to a defective overland conveyor system at a coal mine in SE Asia

Oliver also has experience of investor-state arbitration, including:

- Advising a Japanese investor on expropriation and FET claims against an Asian state under a bilateral investment treaty
- Acting for a North Asian government in a dispute in connection with the compulsory acquisition of residential property at an alleged undervalue

Commercial & Company

Oliver is experienced in a broad range of commercial dispute resolution matters including general commercial contract disputes; deceit and misrepresentation; sale and carriage of goods (by road, air and sea); letters of credit; breach of warranty and other post-SPA disputes, joint ventures, distributorship, guarantees and performance bonds and bailment.

His practice is particularly focused on inter-shareholder disputes and unfair prejudice petitions and contractual and other disputes between companies and senior employees.

Recent instructions include:

- Acting (with Mark Harper KC) for defendants in a £13 million conspiracy claim brought by a major lender involving alleged abuse of overdraft facilities
- Obtaining a favourable settlement in a claim for breach of fiduciary duty involving a director's post-termination usurpation of a company's main supply contract
- Obtaining a substantial settlement in an UNCITRAL arbitration of an unfair prejudice dispute
- Acting for the defendant in a claim relating to the alleged diversion of business from his employer (Circuit Commercial Court)
- Defending a claim for conspiracy and inducing breach of fiduciary duty resulting from the alleged diversion of opportunities and know-how following the failed acquisition of a cloud services platform
- Acting (with Eleanor Temple) in a dispute between co-guarantors involving allegations of fraud and breach of contract
- Advising on liability and limitation issues in a claim to claw back overpayments under a statutory pension scheme
- Acting for the owner of a port facility affected by storm damage in a coverage dispute with its insurers
- Advising the vendor of a solicitor's business in relation to a breach of warranty claim relating to the value of the firm's WIP

See also Oliver's Arbitration profile [here](#).

Construction, Information Technology and Procurement

Oliver acts in all areas of construction, engineering and IT law, including TCC litigation, arbitration, adjudications and adjudication enforcement proceedings.

Recent instructions include:

- Enforcing a £2.2 million adjudication award and defeating an application for a stay under s. 9 of the Arbitration Act 1996 (*Metropolitan Borough Council of Sefton v Allenbuild Ltd* [2022] EWHC 1443 (TCC))
- Advising a foreign government regarding professional negligence claims against project managers and engineers involved in a project for the construction of a new ferry terminal
- Proceedings in the Manchester TCC relating to the rejection of a bespoke food processing plant due to alleged design and workmanship defects
- Advising a public body in relation to the ability of a contractor to claim in excess of a cost capping mechanism as a result of an allegedly unagreed design change on a dockside regeneration project

Information technology

- Advising on and acting for the operators of a currency transfer platform in unjust enrichment proceedings against users alleged to have dishonestly used bots to exploit a software bug
- Advising in relation to the allegedly defective design and development of a social media and e-commerce platform
- Securing the termination of a telecoms services contract on the basis that a click-wrap contract had not incorporated an auto-renewal clause
- Advising on the scope of user licence rights in relation to a bespoke database

During his time at the Employed Bar, Oliver acted in a range of construction disputes of high value and technical complexity, with a particular focus on the mining, oil and gas and power sectors. Highlights include:

- Acting for a Korean contractor in claims against a subcontractor arising out of a GBP 600 million cost overrun on the construction of an iron ore mine in Australia;
- Acting for a Korean contractor in a GBP 150 million final account dispute regarding the construction of a railyard forming part of an automated iron ore mine;
- Acting for a US oil major in a TCC dispute regarding the defective design and construction of an offshore platform;
- Advising a Japanese contractor regarding the scope of a settlement agreement in connection with the supply of defective tanks to an LNG facility;
- Acting for a Japanese contractor in a mediation over delays to the construction of a power station in Abu Dhabi;
- Advising a Canadian employer in relation to delays to a solar power project; and
- Advising a Japanese architect in connection with the drafting of a contract relating to a nuclear project in North Wales.

Insolvency

Oliver practices in all areas of insolvency law, including:

- Preference and transaction at an undervalue claims by office holders
- Applications to set aside statutory demands
- Directors' disqualification/permission proceedings
- Contested winding-up petitions
- Injunctions restraining the presentation of winding up petitions

Recent instructions include:

- Successfully opposing an application under s. 366 of the 1986 Act
- Advising as to the scope of the assets subject to a trust created by an IVA

Oliver also has experience of insolvency practitioner regulation matters. Representative instructions include:

- Successfully obtaining the restoration of a lapsed IPA licence despite the absence of prescribed evidence
- Advising an IPA as to whether to accept a consent order in respect of allegations of impropriety in the conduct of a bankruptcy

Notable Insolvency cases

Re Tre Ciccio [2022] Bus LR 165

Professional Negligence

Oliver acts in professional negligence disputes, primarily involving lawyers and construction professionals.

His recent experience involving lawyers' negligence includes:

- Acting for a class of Hong Kong and China-based investors in a failed off-plan property development in proceedings against their conveyancing solicitors
- Acting for a public figure in a claim arising out of criminal proceedings where the client received a custodial sentence

- Obtaining a favourable settlement for the defendant lay client in proceedings involving allegations of negligent advice in the conduct of property litigation by the claimant solicitors
- Advising and acting for a claimant in a claim involving allegations of negligent advice in the course of insurance litigation
- Advising in relation to the negligent prosecution of personal injury proceedings

Recent construction-related professional negligence instructions include:

- Acting for the successful claimant architects in a 3-day trial involving allegations of defective design in connection with a luxury car showroom (Birmingham TCC)
- Ongoing proceedings relating to the negligent design and construction of waterproofing works

Property

Oliver's property practice is focused on commercial landlord and tenant, land-related torts and right-of-way disputes. Representative instructions include advice and representation in the following matters:

- proceedings before the First-Tier Tribunal seeking to uphold the registration of an equitable lien for the purchaser's deposit
- advising and acting for the claimant in an action for relief from forfeiture of commercial premises
- the removal of the registration of a charge granted to a dissolved company
- the extent of the permitted user under a right of way granted by deed
- a national pub chain seeking a mandatory interim injunction requiring the removal of scaffolding
- whether a contract complying with the LP (MP) 1989 had been concluded in email correspondence
- whether a service charge was unenforceable due to non-compliance with the consultation procedure in s. 20 of the LTA 1985
- the recoverability of damages for loss of marriage value where the vendor of parking facilities failed to complete
- whether delay in completion was repudiatory
- obtaining a vesting order in respect of property disclaimed by the Crown

Banking and Finance

Oliver has experience of banking and financial services matters, both contentious and non-contentious, including:

- Advising upon, and acting for lenders in proceedings to enforce, security given by corporate borrowers
- Enforcing, and advising upon, performance bonds and guarantees;
- Advising on the drafting and effect of finance documents (including ISDA swaps and derivatives agreements);
- Advising a CIS company regarding a potential breach of the Prospectus Rules (at the Employed Bar);
- Advising a CIS company in relation to insider trading involving a major shareholder (at the Employed Bar); and
- Drafting a bancassurance distribution agreement for the North Asia arm of a major US bank (at the Employed Bar).

International and Offshore

Oliver's practice as an employed barrister was almost exclusively in cross-border matters. In addition to his extensive experience in international arbitration, he has advised on governing law and jurisdictional issues as well as matters of strategy where proceedings are being pursued in multiple jurisdictions.

Recent instructions include:

- Advising on jurisdiction, governing law and enforcement in relation to a cross-border recruitment matter
- Advising in a cross-border agency dispute involving issues of German restraint of trade law
- Advising on jurisdiction and enforcement in relation to cosmetic surgery performed on UK citizens in an EU state

Having lived and worked in Tokyo for five years, he has particular experience of working with Japanese clients. He speaks and writes fluent Japanese and is happy to accept instructions in the language.

Common Law & Consumer

Oliver also undertakes common law with a property or land-related element and consumer contract and consumer credit work. Recent instructions include:

- Providing strategic advice on, and acting in, a significant number of misrepresentation claims arising out of the misselling of solar panels brought against lenders under s. 75 of the CCA
- Advising a water utility company in relation to civil and criminal liabilities resulting from the unauthorised discharge of waste into the sewer system
- Successfully defending committal proceedings in connection with an alleged breach of an interim injunction relating to land
- Securing the dismissal of a claim for harassment and trespass with indemnity costs after a two-day trial on behalf of a social housing tenant wrongly accused of racism

Qualifications

- BA Jurisprudence (Law with Law Studies in Europe), First from Balliol College, University of Oxford 2002-2006
- Bar Vocational Course 2006-2007, Very Competent from Manchester Metropolitan University