



Stephen Doherty

Year of call
2013

Email
stephen.doherty@outertemple.com

Stephen practises commercial litigation, with a focus on international dispute resolution and arbitration, pensions, and financial services law.

His international practice is predominantly based in the United Arab Emirates (UAE), and the wider GCC region. In the past twelve months Stephen has been instructed as sole counsel in a number of multi-million dollar arbitrations, including in the fields of construction, property and shareholder disputes. He has appeared in arbitrations conducted under a number of institutional rules, including the ICC, DIAC, DIFC-LCIA and ADCCAC. Stephen also regularly appears in the Dubai International Financial Centre (DIFC) and Abu Dhabi Global Market (ADGM) Courts across a number of areas, including applications for interim injunctive and Mareva relief, financial services disputes, employment disputes, and jurisdictional challenges. Stephen is also currently instructed in relation to a Dubai Financial Services Authority (DFSA) regulatory investigation.

Stephen's domestic practise is focussed on general commercial litigation, pensions and financial services law. He has spent time on secondment at the Pensions Regulator, as well as both the Enforcement and General Counsel's Division of the Financial Conduct Authority. Stephen has experience in respect of both Part 7 and Part 8 pensions actions, as well as having appeared before the Determinations Panel of the Pensions Regulator.

Some examples of Stephen's recent instructions include:

- Acting as sole counsel for a sub-developer in an arbitration claim and counterclaim with a combined value of approximately \$200 million (DIAC)
- Acting as sole counsel for a Master Developer in a \$14 million arbitration claim against a sub-developer for breaches of its construction and payment obligations (DIAC)

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

- Acting for a large UK Company (led by Andrew Spink QC) in a pensions case raising giving rise to complex historic validity and rectification issues
- Appearing before the Determinations Panel of the Pensions Regulator resisting action taken to appoint an Independent Trustee to the [Merchant Navy Rating Pensions Fund](#)
- Acting as sole counsel for the main contractor in a number of multi-million dollar arbitrations arising from a high profile infrastructure project in Qatar (ICC)
- Appearing before the DIFC Courts on behalf of a client subjected to a freezing order in a \$30+ million civil fraud dispute, raising novel questions on the application of “reflective loss” principles in the jurisdiction
- Advising and drafting in respect of a substantial financial services regulatory investigation in Dubai

Stephen has a first-class degree in History from Oxford University. He completed his Graduate Diploma in Law with distinction, and achieved an outstanding grade in the Bar Professional Training Course. He is also a contributing author to Atkin’s Court Forms issue on Pensions.

Stephen is public access qualified and accepts instructions directly from members of the public.

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

International Commercial Litigation & Arbitration

Stephen has substantial experience of dispute resolution in the Middle-East, particularly for a practitioner at his level of call, having spent almost two years on the ground in Dubai working at a leading UAE law firm. Stephen's practice in the Middle East has been predominantly focused on high value commercial and construction disputes, and he is regularly instructed to advise on the merits and strategy in relation to complex arbitral disputes, as well as drafting pleadings and submissions. Stephen has also been instructed on numerous occasions to appear as sole counsel, and represent clients at preliminary and full merits hearings.

Stephen has experience of conducting arbitration cases in accordance with DIAC, ADCCAC, DIFC-LCIA and ICC Rules. Some examples of recent cases include:

- Acting as sole counsel for a sub-developer in an ongoing arbitration claim and counterclaim with a combined value of approximately \$200 million (DIAC)
- Acting as sole counsel for the main contractor in a number of ongoing multi-million dollar arbitrations arising from a high profile infrastructure project in Qatar (ICC)
- Representing the main contractor in a complex construction dispute valued in excess of \$30 million, relating to a dispute over contractual variations and entitlement to an extension of time (ADCCAC)
- Acting as sole counsel for a high profile master developer in a contractual dispute, obtaining a final award valued in excess of \$10 million (DIAC)
- Acting as sole counsel in an ongoing shareholder dispute in relation to a failed joint venture (DIAC)

Stephen also has experience of advising and representing clients before the DIFC and ADGM Courts, and advising on jurisdictional and other issues that arise in the UAE. Some examples of recent court cases include:

- *Childescu v Gheorghiu and ors* [2019] DIFC CFI 074 and [2020] CFI 032 (DIFC) which is a dispute arising from a \$30+ million civil fraud dispute. The dispute raises novel issues of the application of principles of "reflective loss" in the DIFC Courts (led by Tom Montagu-Smith QC)
- *Erik Rubinghv Veloqx RSC* [2020] ADGMCFI 0006^[1] (ADGM) which is an employment dispute in which Stephen obtained judgment for \$1 million, that has also raised novel issues in respect of the ADGM's enforcement procedures that have previously been untested
- An ongoing claim before the DIFC Courts by a business against a bank for negligence and breach

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

- of contract, in relation to a number of fraudulent transactions that it processed
- Numerous applications for injunctive relief, pre-action disclosure, and jurisdictional challenges, including issues relating to the scope of the Joint Judicial Committee's (JJC) jurisdiction that are presently under appeal before the DIFC Courts

Stephen is also currently instructed in relation to a Dubai Financial Services Authority (DFSA) regulatory investigation.

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Pensions & Trusts

Stephen spent time on secondment to the Pensions Regulator, where he was involved in a range of Determinations Panel, Upper Tribunal and High Court litigation, and other advisory work. Stephen has experience of issues relating to pension scams, misuse and misappropriation of pension scheme assets, defined benefit scheme funding, scheme governance, and the prohibition of scheme trustees. Whilst seconded to the Financial Conduct Authority, Stephen has gained further experience of pensions scams, the regulation of personal pension schemes, and issues relating to the suitability of advice provided to pension schemes.

Stephen regularly advises pension scheme members in relation to a variety of complaints to the Pensions Ombudsman and through internal dispute resolution procedures (IRDPs). This includes complaints of maladministration through the provision of incorrect pension benefit quotations, misrepresentation, breach of contract, claw back of overpaid benefits, and complaints relating to the retention of Mental Health Officer (MHO) and Special Class (SC) status in the NHS Pension Scheme.

Before he was seconded in the Middle-East, Stephen was led by [Nicolas Stallworthy QC](#) in *Hogg Robinson Plc v Harvey and others* [2016] EWHC 129 (Ch), an application by the sponsoring employer of a pension scheme for summary judgment in respect of its claim for rectification of a deed of amendment to the scheme, which purported to change the rate of pension increases from RPI to LPI. Whilst at the Pensions Regulator, Stephen was also part of the case team in a claim arising from a pensions liberation fraud, *The Pensions Regulator v Payae & Ors* [2018] EWHC 36 (Ch)

Other examples of recent instructions include:

- Acting for a large UK Company (led by Andrew Spink QC) in a pensions case raising giving rise to complex historic validity and rectification issues
- Appearing before the Determinations Panel of the Pensions Regulator resisting action taken to appoint an Independent Trustee to the [Merchant Navy Rating Pensions Fund](#)
- Advising and drafting grounds of appeal to the High Court from a decision of the Pensions Ombudsman
- Advising in relation to a proposed scheme closure exercise by a large UK plc
- Advising in relation to a claim for entitlement to pensionable service for part-time workers following the CJEU's decision in *O'Brien v Ministry of Justice*
- Advising a SIPP / TIP provider in relation to its reporting obligations under the FEES Manual of the FCA Handbook

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Commercial & Chancery

Stephen has been instructed to advise and appear in court in a range of other complex contractual and commercial disputes including a professional negligence, shareholder disputes, and civil fraud.

Examples of recent instructions include:

- Acting in a £2+ million High Court claim for a property developer in a claim brought by an investor, raising issues of breach of contract, unlawful means conspiracy, knowing receipt / dishonest assistance, and fraudulent misrepresentation
- Advising and drafting pleadings in relation to a contractual dispute relating to the breach of terms of use of an online trading platform
- Obtaining judgment for £350,000 in a summary judgment application before the High Court
- Successfully resisting summary judgment in High Court commercial dispute
- Advising and drafting pleadings in a £500,000 breach of a supply agreement
- Advising in relation to a £250,000 dispute regarding breach of a loan agreement
- Advising and drafting pleadings in relation to the clawback of commission by an FCA regulated firm in relation to a number of insurance products
- Advising on a claim for unliquidated damages in a complex international dispute
- Representing a client in an application for injunctive relief in support of related arbitral proceedings

Stephen has also acted for clients in a number of high-value and complex commercial disputes in the Middle East, including Qatar and the United Arab Emirates. Whilst seconded to a leading law firm in Dubai, he was responsible for advising on merits and strategy, drafting pleadings and submissions, and representing clients at preliminary and full merits hearings. Examples of recent cases include:

- Acting as lead counsel for a sub developer in an arbitration claim and counterclaim with a combined value of approximately \$200 million (DIAC)
- Acting as lead counsel for the main contractor in a number of multi-million dollar arbitrations relating to a high-profile infrastructure project in Qatar (ICC)
- Successfully acting as sole counsel for a Master Developer in a \$14 million arbitration claim against a sub-developer for breaches of its construction and payment obligations (DIAC)
- Representing the contractor in a complex construction dispute valued in excess of \$30 million, relating to a dispute over contractual variations and entitlement to an extension of time (ADCCAC)
- Representing the contractor of a Dubai-based company, in relation to a claim against the

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Employer for unlawful termination (ICC)

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Financial Services

Since joining chambers Stephen has gained experience in a range of civil and criminal litigation in the field of banking and financial services, and has worked in both the Enforcement and the General Counsel's Division of the Financial Conduct Authority.

Stephen has experience of advising on interest rate hedging product (IRHP) mis-selling, unfair relationship claims under s. 140A-D Consumer Credit Act 1974, applications for change of control under Part XII FSMA and other issues relating to suitability of investment advice.

At the Financial Conduct Authority, Stephen was involved in a high profile investigation of a retail bank and has advised on numerous issues relating to pensions scams, authorisation of firms, passporting, and the scope of the FCA's powers under FSMA.

Stephen also has experience of a high profile criminal investigation, conducted by the Serious Fraud Office, into allegations of corruption and bribery against a large UK bank.

As well as having experience of the regulation of financial services in the UK, Stephen also has experience in advising international clients in respect of the regulatory framework in the DIFC. He is currently instructed in relation to a Dubai Financial Services Authority (DFSA) regulatory investigation.

Examples of other recent instructions include:

- Advising a SIPP / TIP provider in relation to its reporting obligations under the FEES Manual of the FCA Handbook
- Advising and drafting pleadings in relation to the clawback of commission by an FCA regulated firm in relation to a number of insurance products
- Advising on the application of DFSA rules in a dispute between a bank and a commercial business

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Appointments & Memberships

- Lincoln's Inn
- COMBAR
- Association of Pensions
- DIFC Part II Registered Advocate

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Awards

- Lord Denning Scholarship, Lincoln's Inn
- Hardwicke Scholarship, Lincoln's Inn

London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584

Recommendations



London

Outer Temple Chambers
The Outer Temple
222 Strand
London
WC2R 1BA

T: +44 (0)20 7353 6381
F: +44 (0)20 7583 1786
E Fax: +44 (0)870 220 3256
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower,
Abu Dhabi Global Market Square,
Al Maryah Island
Abu Dhabi, UAE

T: +971 2694 8596

Dubai

Level 15
The Gate Building
Dubai International Financial Centre
Dubai, UAE

T: +971 4401 9584