



## Grace Cheng

Year of call: 2016

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Based in London, Grace Cheng is an English barrister and qualified solicitor in Hong Kong with a valid practicing certificate. She has rights of audience before the AIFC Court (Kazakhstan) and DIFC Courts (Dubai) and has also been granted full registration as a registered foreign lawyer at the Singapore International Commercial Court. In addition to speaking fluent English, Cantonese and Mandarin, Grace has a working knowledge of French and Spanish.

In addition to her practice as counsel, Grace is a sought after arbitrator and adjudicator and has received appointments as arbitrator dealing with disputes in a diverse range of areas and involving a range of languages and governing laws, including English law, Hong Kong law and Singapore law. She is a member of the Bar Council's ADR Panel and was a member of the 2022 Standing Panel for the Billie Jean King Cup Finals (formerly, the Fed Cup) also known as the World Cup of women's tennis. She is currently appointed as a member of the World Professional Billiards and Snooker Association Disciplinary Committee to determine disciplinary proceedings against 10 players.

Grace is included on a large number of panels, registries and databases of arbitrators including AIAC (Malaysia); BAIAC (Singapore); BIAMC (Indonesia); CACM (Mozambique); CAA (Taipei); Delos (Paris); FINRA (US/Puerto Rico); HIAC (Hainan); HKIAC (Hong Kong); ICC (UK); LCIA (London); LMAA (London); PIAC (Vietnam); SCC (Stockholm); SHAC (Shanghai); SHIAC (Shanghai); SIAC (Singapore); THAC (Thailand); WTC Macau Arbitration Center (Macau); Sport Resolutions (International); and the World Intellectual Property Organization. She is also on various panels of adjudicators, including HKA (Hong Kong); HKIAC (Hong Kong); LMAA (London); TECBAR (UK); and UKA (UK).

Grace has taught law at the University of Oxford, King's College London, the University of Warwick, the National Chengchi University, and the National Taiwan University. She is a member of the AIAC Academy Tutors Panel and the AIFC Academy of Law Academic Pool.

Grace obtained a First Class Honours degree in law from the LSE and the BCL from the University of Oxford. She previously worked at Slaughter and May and was judicial assistant to the Honourable Mr Justice Blair when he was the Judge in Charge of the Commercial Court. She has also assisted Professor Ewan McKendrick with the latest two editions of Goode and McKendrick on Commercial Law.

## Areas of expertise

Administrative and Public

Alternative Dispute Resolution

Commercial

Construction

Employment

Sport

## Administrative and Public

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Grace has acted for many local authorities and has also been instructed by the Government Legal Department in a number of cases.

She was involved with acting for the Secretary of State for Transport and assisted as part of a wider team in the case of *Eurotunnel v Secretary of State for Transport* (Brexit ferry case) which settled on 1 March 2019. This was a procurement claim involving a challenge by Eurotunnel to capacity contracts awarded by the Government to DFDS, Brittany Ferries, and Seaborne Freight to provide additional freight capacity between the UK and continental Europe.

### Cases of note:

- Acting for the Secretary of State for Transport and assisting as part of a wider team in the case of *Eurotunnel v Secretary of State for Transport* (Brexit ferry case) which settled on 1 March 2019. This was a procurement claim involving a challenge by Eurotunnel to capacity contracts awarded by the Government to DFDS, Brittany Ferries, and Seaborne Freight to provide additional freight capacity between the UK and continental Europe. The contracts were procured under the 'extreme urgency' provisions in regulation 32(2)(c) of the Public Contracts Regulations 2015 to deal with the consequences of a 'no-deal Brexit'.
- Representing the Secretary of State for the Home Department in a claim for wrongful detention
- Representing a local authority in a judicial review claim challenging the alleged failure by another local authority to carry out a Merton-compliant age assessment and to provide accommodation and support under the Children Act 1989
- Appearing in the First tier Tribunal and Upper Tribunal (Immigration and Asylum Chamber) in various matters involving appeals against the decision of the Secretary of State for the Home Department to deport following refusal of a human rights claim
- Advising a local authority on issues under the Environmental Protection Act 1990 in relation to the keeping of homing pigeons
- Representing a popular restaurant chain in relation to a prosecution brought by Transport for London (TFL) for breach of the Highways Act
- Acting as Independent Counsel in relation to an HMRC investigation into suspected VAT fraud and money laundering offences

## Alternative Dispute Resolution

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Grace is a sought after arbitrator and adjudicator and has received appointments as arbitrator dealing with disputes in a diverse range of areas and involving a range of languages and governing laws, including English law, Hong Kong law and Singapore law. She is a member of the Bar Council's ADR Panel and was a member of the 2022 Standing Panel for the Billie Jean King Cup Finals (formerly, the Fed Cup) also known as the World Cup of women's tennis. She is currently appointed as a member of the World Professional Billiards and Snooker Association Disciplinary Committee to determine disciplinary proceedings against 10 players.

Grace is included on a large number of panels, registries and databases of arbitrators including AIAC (Malaysia); BAIAC (Singapore); BIAMC (Indonesia); CACM (Mozambique); CAA (Taipei); Delos (Paris); FINRA (US/Puerto Rico); HIAC (Hainan); HKIAC (Hong Kong); ICC (UK); LCIA (London); LMAA (London); PIAC (Vietnam); SCC (Stockholm); SHAC (Shanghai); SHIAC (Shanghai); SIAC (Singapore); THAC (Thailand); WTC

Macau Arbitration Center (Macau); Sport Resolutions (International); and the World Intellectual Property Organization.

She is on various panels of adjudicators, including HKA (Hong Kong); HKIAC (Hong Kong); LMAA (London); TECBAR (UK); and UKA (UK).

Grace also accepts appointments as a mediator.

### Cases of note:

- Appointed as sole arbitrator in an HKIAC arbitration governed by Hong Kong law involving breach of agreement relating to the sale of products and services on one of the world's largest online retailer and marketplace
- Appointed as sole arbitrator in four HKIAC arbitrations governed by Hong Kong law and conducted under the UNCITRAL Arbitration Rules and the HKIAC Procedures for the Administration of Arbitration under the UNCITRAL Arbitration Rules involving breach of sale and purchase contracts for terrain/truck crane delivery and entered into between a company from the United States and a company from Mexico
- Appointed as sole arbitrator in an SIAC arbitration governed by the laws of Singapore relating to the claimant's claim that one of the respondents has failed to fulfil its obligations under a Shareholder's Agreement and Sale and Purchase Agreement (SPA) by failing and/or refusing to purchase Option Shares from the claimant pursuant to the SPA
- Appointed by The Football Association in 3 separate Rule K arbitrations involving allegations of unpaid intermediary fees following the transfer of professional football players from one professional football club to another
- Appointed as sole arbitrator of the Independent Tribunal in a matter involving two appeals by a national tennis association concerning misconduct at the Davis Cup which has been said to be the world's largest annual international team competition in sport
- Appointed as co-arbitrator of the Independent Tribunal in a matter involving disciplinary proceedings brought against a tennis player by the International Tennis Federation under the Tennis Anti-Doping Programme at the ITF World Tennis Tour Tournament as a result of the player's failure to provide a urine sample on demand due to an alleged medical condition
- Appointed as a member of the World Professional Billiards and Snooker Association (WPBSA) Disciplinary Committee to determine proceedings against 10 players pursuant to article 7.1 of the WPBSA conduct regulations relating to allegations of manipulating games, approaching players to cheat, betting on snooker and fixing a match
- Appointed as sole adjudicator by TECBAR in respect of a dispute involving the supply and installation of lighting at a fleet of stores owned by a British high-street retail chain (claim value approximately £400,000)
- Appointed as sole adjudicator by TECBAR in respect of a dispute involving the maintenance and repair services of escalators and conveyors installed at a fleet of stores owned by a British high-street retail chain (claim value approximately £400,000)
- Appointed as sole adjudicator by TECBAR in respect of a dispute involving the design and construction of a new football pitch (claim value approximately £900,000)
- Appointed as sole adjudicator by TECBAR in a claim concerning unpaid invoices for works carried out as part of a project comprising the construction of an extension and conversion of an office into a hotel pursuant to a JCT contract

## Commercial

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Prior to joining the Bar, Grace worked at magic circle law firm Slaughter and May where she assisted with

high-profile international commercial transactions and advised clients including the Department of Energy and Climate Change, Prada, Cathay Pacific, MTR, Moody's and Standard Chartered.

Grace has published articles in leading journals, including pieces co-written with Sir William Blair in the Bank of Italy's Legal Research Working Papers and in the ICC Dossier. She was part of a joint COMBAR / ChBA working group responding to the Law Commission's call for evidence on smart contracts.

#### Cases of note:

- Advising a German publicly listed company on the recognition and enforcement of a German court judgment in the UK
- Acting for the Chief Operating Officer (COO) of a company in a High Court claim brought by a Covid-19 testing laboratory for breach of employment contract, breach of fiduciary duties and conspiracy
- Acting for a Chinese company in a High Court claim relating to allegations that Peppa Pig toys had been manufactured and distributed without approval
- Acting for a popular chain with over 100 restaurants worldwide in a High Court unfair prejudice claim

Assisted with the following matters at Slaughter and May:

- Advising CITIC Securities Corporate Finance (HK) Limited on the cash offer made on behalf of a controlling shareholder of China XLX Fertiliser Ltd (China XLX) for the shares of China XLX, one of the largest manufacturers of coal-based urea and compound fertilisers in China. The cash offer was made in connection with the proposal to delist the shares of China XLX from the Singapore Exchange, with the shares remaining listed on the Hong Kong Exchange
- Advising China Power International Development Limited, the flagship company of China Power Investment Corporation, one of the five national power generation groups in China, in relation to its issue of RMB 2 billion 4.5% bonds due 2017
- Advising MTR Corporation in relation to the construction and commissioning of the Shatin to Central Link, one of the most significant infrastructure projects to be undertaken in Hong Kong
- Advising an international banking group in respect of the global IBOR investigations, including the Hong Kong Monetary Authority's HIBOR investigation in Hong Kong
- Advising Cathay Pacific Airways and Swire Pacific Limited on the annual update of their debt issuance programmes

Assisted with the following decision given by The Board of Appeal of the European Supervisory Authorities, as Judicial Assistant to The Honourable Mr Justice Blair: *FinancialCraft Analytics Sp. z o.o. (formerly named Global Rating Sp. z o.o.) v The European Securities and Markets Authority* (Ref. BoA 2017 01)

## Construction

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Grace has been involved with advising an oil and gas company on issues arising out of a contract for engineering, procurement, construction and installation of fibre optic infrastructure in Kazakhstan, resulting from the impact of the Covid-19 pandemic.

She has also advised one of the largest developers in the UK in relation to the design and construction of a residential and premium quality hotel development involving a JCT contract.

Grace is on various panels of adjudicators, including HKA (Hong Kong); HKIAC (Hong Kong); LMAA (London); TECBAR (UK); and UKA (UK).

#### Cases of note:

- Advising an oil and gas company on issues arising out of a contract for engineering, procurement, construction and installation of fibre optic infrastructure in Kazakhstan, including on descoping and acceleration, and exposure and entitlement resulting from the impact of the Covid-19 pandemic (with

Jeremy Nicholson QC of 4 Pump Court Chambers)

- Advising one of the largest developers in the UK in relation to the design and construction of a residential and premium quality hotel development involving a JCT contract
- Appointed as sole adjudicator by TECBAR in respect of a dispute involving the supply and installation of lighting at a fleet of stores owned by a British high-street retail chain (claim value approximately £400,000)
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- Appointed as sole adjudicator by TECBAR in a claim concerning unpaid invoices for works carried out as part of a project comprising the construction of an extension and conversion of an office into a hotel pursuant to a JCT contract

## Employment

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Grace has acted in many employment cases, including representing English Heritage in a claim brought by a zero-hours contract employee at Stonehenge for alleged unpaid furlough pay under the Coronavirus Job Retention Scheme. She also represented a former employee of Virgin Atlantic in a claim against the airline for unfair dismissal and disability discrimination.

In particular, Grace specialises in cases involving the intersection of commercial and employment law. She acted for one of the defendants in a claim brought by a Covid-19 testing laboratory for breach of employment contract, breach of fiduciary duties and conspiracy.

### Cases of note:

- Representing English Heritage in a claim brought by a zero-hours contract employee at Stonehenge for alleged unpaid furlough pay under the Coronavirus Job Retention Scheme
- Representing a former employee of Virgin Atlantic in a claim against the airline for unfair dismissal and disability discrimination
- Representing a former employee of a care home in a claim for race and age discrimination

## Sport

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Grace is included on Sport Resolutions' Panel of Arbitrators (International).

She has been appointed as sole arbitrator by The Football Association in 2 separate Rule K arbitrations involving allegations of unpaid intermediary fees and as sole arbitrator of the Independent Tribunal in a matter involving two appeals by a national tennis association concerning misconduct at the Davis Cup which has been said to be the world's largest annual international team competition in sport. She was a member of the 2022 Standing Panel for the Billie Jean King Cup Finals (formerly, the Fed Cup) also known as the World Cup of women's tennis and is currently appointed as a member of the World Professional Billiards and Snooker Association Disciplinary Committee to determine disciplinary proceedings against 10 players.

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## Memberships

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- Bar Council – member of the Alternative Disputes Resolution (ADR) Panel
- Chancery Bar Association (ChBA) – member of the International Sub-Committee
- Chancery Bar Association (ChBA)
- Commercial Bar Association (COMBAR)
- Family Law Bar Association (FLBA)
- Technology and Construction Bar Association (TECBAR)
- International Law Association (ILA)
- International Chamber of Commerce Young Arbitrators Forum (ICC YAF)
- Young International Council for Commercial Arbitration (YICCA)
- The London Court of International Arbitration Young International Arbitration Group (LCIA YIAG)
- Young Hong Kong International Arbitration Centre (HK45)

## Qualifications

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- Admitted as a solicitor in Hong Kong – 2013
- Called to the Bar of England and Wales (Lincoln's Inn; Member of Denning Society) – 2016
- Granted rights of audience before the Astana International Finance Centre (AIFC) Court in Kazakhstan – 2020
- Registered with the Dubai International Financial Centre (DIFC) Courts' Register of Legal Practitioners – Part II (registered individual with rights of audience before the DIFC Courts) – 2022
- Granted full registration as a registered foreign lawyer at the Singapore International Commercial Court (SICC) – 2022

## Qualifications

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### Education

- The London School of Economics and Political Science, LLB Bachelor of Laws
- The University of Oxford, Bachelor of Civil Law
- The University of Hong Kong, The Postgraduate Certificate in Laws

### Scholarships and prizes

- Blackstone Chambers Prize for Best Performance in Public Law



- Hogan Lovells Prize for Best Performance in the Law of Business Associations
- Hou De Charitable Foundation Scholarship for the Postgraduate Certificate in Laws Programme
- Joint Hong Kong Law Society / Bloomsbury Books Prize
- Pegasus Scholarship (Inns of Court)
- The Eastham Scholarship (Lincoln's Inn Pupillage Award)
- Hong Kong Law Society International Bar Association Annual Conference Sponsorship Award
- Hong Kong Law Society Inter-Pacific Bar Association Annual Conference Sponsorship Award
- International Association of Young Lawyers Scholarship Award
- Worshipful Company of Arbitrators Travelling Scholarship
- The Law Society Pro Bono and Community Work Recognition Programme, Silver Award
- The Hong Kong Council of Volunteering Professional Volunteer Service, Gold Award
- Harvard Book Prize
- South China Morning Post Student Linguist of the Year, Special Recognition Award

## Additional Information

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### Publications

- The Continuing Triumph of 'Bright Line' Rules: Rothwell revisited (2017) 25 Tort Law Review 3
- "You're fired": The Blacklisting of Workers in the Construction Industry (2017) 33 Construction Law Journal 403
- E-Money: Evolution or revolution? (2018) 33(2) Journal of International Banking Law and Regulation 56
- What's in a name? (2018) 1 International Family Law Journal 50
- The role of judicial review in the EU's financial architecture and the development of alternative remedies: The experience of the Board of Appeal of the European Supervisory Authorities (2018) 84 Quaderni di Ricerca Giuridica published by Banca d'Italia 17 (co-authored with Sir William Blair)
- In Code we trust? Trustlessness and smart contracts (co-authored with Mimi Zou and Marta Soria Heredia) originally published by the Society for Computers and Law (April 2019) and in abridged form by the Oxford Business Law Blog (University of Oxford)
- Member of Commercial Bar Association / Chancery Bar Association joint working group responding to the Law Commission's call for evidence on smart contracts (March 2021) and the Law Commission's consultation on digital assets (November 2022).
- Overriding mandatory rules and compliance in international arbitration: national monetary restrictions, International Chamber of Commerce (ICC) Dossier XIX (co-authored with Sir William Blair)
- Arbitrating financial disputes—are they different and what lies ahead? (2022) Arbitration International 1 (co-authored with Sir William Blair, Gökçe Uyar and Yang Zhao)
- The Lasting Legacy of the Covid-19 Pandemic on the Construction Industry in the UK (2022) 38(4) Construction Law Journal 1

### Lectures

- 'Principles of Civil Proceedings in the UK Courts', Lecture delivered as part of the Astana International Finance Centre Foundations Program for Lawyers (AIFC Academy, March 2021)
- 'Overview of English Law', Lecture delivered to the National Welfare Fund "Samruk-Kazyna", a

sovereign wealth fund and joint stock company in Kazakhstan which owns, either in whole or in part, a number of major companies in the country (AIFC Academy, August 2021)

- 'Commercial Law', a series of lectures delivered as part of the Astana International Finance Centre Certificate in Common Law course (AIFC Academy, September to October 2021)

Grace has assisted Professor Ewan McKendrick with the latest two editions (i.e. 5th and 6th editions) of Goode and McKendrick on Commercial Law, a widely-used text by practitioners and academics, including assuming primary responsibility for updating chapters 38 (commercial litigation) and 39 (commercial arbitration) of the book. She was previously an associate editor of the Oxford University Commonwealth Law Journal.

Her 'A day in the life of' column was featured in Family Law LexisNexis. Grace was also featured in the Chancery Bar Association's 'Meet the Chancery barristers' career's guide.

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