



CONSTRUCTION, ENGINEERING AND  
INFRASTRUCTURE  
PROFESSIONAL NEGLIGENCE  
ENERGY, NATURAL RESOURCES AND UTILITIES  
INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS  
GENERAL COMMERCIAL

## Nicholas Collings

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### PRACTICE

Nicholas specialises in commercial litigation and arbitration with a particular emphasis on construction, engineering, energy and utilities, technology and related disputes.

He has broad experience of all methods of dispute resolution with expertise in domestic and international arbitration, mediation and adjudication.

Nicholas is recommended in the most recent editions of the legal directories Chambers UK Bar Guide and The Legal 500, as a leading junior in the fields of construction and professional negligence.

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### CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Nicholas has represented employers, contractors, sub-contractors and consultants on many cases, both domestic and international, concerning numerous types of building and engineering projects. On the pure construction side he has acted on a wide range of disputes including those relating to defects, measurement and valuation, delay, procurement and contract administration. His expertise on engineering matters extends to mechanical and electrical, structural, civil and geotechnical cases. Recent experience includes acting for:

- Main contractor in respect of a substantial dispute under ICC rules (value in excess of £100 million) concerning the construction of new airport in GCC Country. Issues in the arbitration concerning, design liability, analysis of delays, proper construction of contractual notice obligations under local law and issues as to the proper approach to analysing and quantifying losses alleged by both parties.
- A government agency against an EPC contractor in respect of the delivery of a petroleum refining facility. The claim, with a value in excess of USD 250 million, concerned claims for delay and

disruption, failures to meet contractual performance tests, as well as claims for defects in the structural and mechanical design.

- An employer in a multi-party dispute concerning the design and construction of a hospital including the fire protection measures and their compliance with the requirements of the Building Regulations and other applicable standards.
- A multinational corporation in a dispute under the ICC Rules for expert determination between parties to a consortium involved in infrastructure project in GCC Country. Dispute value in excess of \$100 million.
- A central European government entity in an ICC arbitration concerning a major infrastructure project. Issues arising in the case concerned design liability, delays, disruption, acceleration, defects and other issues arising under a FIDIC Red Book contract.
- Property developers in an arbitration under DIAC Rules. Claim with value in excess of £250m concerning the development of a substantial mixed-use commercial / retail / residential development in Dubai. Issues between the parties included the effect of various representations under Dubai law, and the proper measure of loss for breaches of contractual obligations.
- Property developers in an arbitration under DIAC rules in respect of dispute between developers concerning plots of land in an industrial development in Dubai. Disputes as to termination rights under a lease and proper approach to quantifying losses.
- Main contractors in respect of a dispute between parties to a contract for the construction of a gas pipeline in Iraq. Issues as to force majeure, frustration and the effect of the ongoing activities of ISIS / Daesh in Iraq.
- A UK government agency in a claim relating to road construction. Claims under NEC2 Contract. Issues arising in the case related to delay, defects and assessment of compensation events.
- A master developer in a DIAC arbitration concerning alleged misrepresentations and breaches of contract relating to property development in Dubai.
- An African government agency in an ICC arbitration concerning a major infrastructure project. Issues arising in the case concerned jurisdiction, effect of DRE decisions, defects, delay, disruption, and acceleration claims.
- An NHS Trust as to the adequacy of the design and construction of the hot and cold water system and whether the water is contaminated by a pathogen *Pseudomonas A* and/or other bacteria, and as to whether deductions made by Trust on the grounds of lack of availability were justifiable under the PFI agreement.
- An NHS Trust regarding defects in the design of the ventilation system and whether they justify deductions being made on the grounds of lack of availability.
- The main contractor in a TCC claim concerning the design and construction of a major residential development in central London under a JCT design and build contract.
- Purchasers of apartments in a large residential development in claims against the NHBC following the insolvency of the developer and main contractor.
- A roadworks contractor against a European government entity in an ICC arbitration. Issues concerned defects, delay, disruption and acceleration and various contractual claims and issues under the FIDIC Red Book.

- A main contractor in a claim against a UK government agency for payment and the assessment of compensation events under an NEC3 contract.
- M&E subcontractors in a claim relating works carried out in a private hospital. Issue concerned defects, variations, and statutory limitation periods.
- A design and build contractor in a final account claim relating to the construction of a sports centre and associated leisure facilities.
- Employers in respect of claims arising out the construction of university halls of residence. Issues concerned pre-contractual misrepresentations and fraud.
- The employer in a TCC claim concerning the design and installation of an air conditioning system in an underground museum storage facility.
- A sub-contractor in relation to disputes relating to the design and supply of trains for use on an underground railway. Issues concerned fitness for purposes and the scope of design liability.
- An underground railway undertaking in relation to safety measures required for engineering works over and adjacent to the underground railway.

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## PROFESSIONAL NEGLIGENCE

He acts for claimants and defendants (as well as their professional indemnity insurers) in respect of claims brought against a wide range of professional advisers including architects, engineers, surveyors, project managers, solicitors, insurance brokers and IT consultants. Recent experience includes acting for:

- The engineers in respect of disputes in the TCC (with a value in excess of £250m) relating to the design of Wembley Stadium.
- The main contractor in multi-party litigation in the TCC (with a value in excess of £150m) relating to the design and construction of a concrete floor at a national wine distribution centre.
- The landowners in a claim against surveyors concerning the survey and valuation of a large country estate.
- A property investment company against quantity surveyors for negligent contract administration.
- Design and build contractors in a claim against their insurance brokers for negligent advice in respect of claims under their professional indemnity policy.
- A property developer against a solicitor for negligent advice in respect of project documentation and amendments to standard form contracts.
- A building contractor in a claim against a surveyor for providing negligent advice with respect to the conduct of an adjudication.
- The employer against surveyors in a claim relating to negligence in respect of undiscovered asbestos.
- The employer in a TCC claim concerning engineers' advice in relation to the feasibility of dredging works for the redevelopment of a harbour.

- The architect in a claim in the TCC concerning alleged over-design of a block of flats.
- Engineers in an expert hearing of the Court of First Instance of Abu Dhabi for a claim concerning the design and supervision of a GRP sewage pipeline project.
- The employer in a TCC claim concerning an architect's administration and certification of works under a JCT contract.
- Engineers in an arbitration relating to the design and construction of a hotel and residential complex in Dubai.

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## ENERGY, NATURAL RESOURCES AND UTILITIES

Nicholas has wide experience acting for contractors and suppliers in litigation arising out of the design and construction of power plants, pipelines, process plants, water and sewage treatment facilities. Examples of his recent work include acting for:

- Design and build contractor in an ICC arbitration (seat Seoul) regarding claim and counterclaims between main and sub-contractor in respect of an energy / utilities project in a GCC country.
- An EPC contractor in an arbitration relating to a water treatment facility and its ability to comply with statutory requirements.
- The main contractor in an arbitration under the LCIA Rules concerning the design and supply of gas turbines for use in a combined cycle power plant.
- Design and build contractor in respect of claims under an amended IChemE Red Book contract relating to the provision of a process plant to produce bioethanol.
- Design and build contractor in an arbitration concerning the design of generators installed in a UK power plant.
- The operators of a Central African mining concern in a claim arising out of alleged breaches of an operation agreement.
- A gas supplier in relation to claims relating to defects and damage to underground pipelines.
- The employer in a claim in the TCC and the Court of Appeal in relation to the design of a paper recycling facility.
- Engineers in an arbitration concerning the design of a sewage treatment plant.

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## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

He has experience in the IT and Telecommunications' field acting for suppliers, contractors and users in relation to telecommunication systems and computer software and hardware systems.

Examples of his recent work include acting for:

- The main contractor in an LCIA arbitration concerning the design and installation of track-to-train audio and visual equipment for railways.
- A UK publisher in relation to a claim over a defective accounting software package.

- Software licensors in a claim in the TCC for allegedly fraudulent misrepresentations in respect of the development of business management software.
  - A financial futures trader in relation to a claim for trading losses caused by defective trading software.
  - A firm of City solicitors in relation to a claim against the supplier for defective supply and installation of telecommunications equipment.
  - For a software developer defending a claim in respect of allegedly defective software for use in the retail industry.
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## GENERAL COMMERCIAL

Nicholas undertakes the full range of general commercial practice. Examples of his recent work include acting for:

- A Korean shipbuilding conglomerate in proceedings to enforce claims for commission payments under various sale agreements.
  - A European shipbuilder in a claim brought by the owners for alleged defects in construction and for costs of delayed completion.
  - A design and build contractor in proceedings to obtain an injunction to restrain a call from being made by the Employer on an on demand performance bond.
  - A property developer in proceedings to obtain an injunction against Receivers purporting to execute a power of sale.
  - The insured in proceedings for a declaration as to the meaning and effect of terms in an insurance policy.
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## NOTABLE CASES

**Hitachi Zosen Inova AG v John Sisk & Son Ltd** [2019] EWHC 495 (TCC)

**Victory House General Partner Ltd v RGB P&C Ltd** [2018] EWHC 102 (TCC)

**John Sisk & Son Ltd v Duro Felguera UK Ltd** [2016] EWHC 81 (TCC)

**Brookfield Construction (UK) Ltd v Mott Macdonald** [2010] EWHC 659 (TCC)

**Multiplex Construction (UK) Ltd v Mott Macdonald** [2007] EWHC 20 (TCC), 11 Con LR 63

**R J Knapman v Richards** [2006] EWHC 2518 (TCC)

**Rosco Civil Engineering Limited v Dwr Cymru Cyfryngedic** [2004] Adj. LR 07/15

**Specialist Ceiling Services Northern Limited v ZVI Construction (UK) Limited** [2004] BLR 403

**Mostcash plc v Fluor Limited** [2002] EWCA Civ 975, [2002] BLR 111

**Ferson Contractors Limited v Levelux AT Limited** [2002] EWCA Civ 11

**The Bay Resort Hotel and Resort v Cavalier Construction Company** [2001] UKPC 34, APP LR 07/16

**Discairn Project Services Limited v Opecprime Developments Limited** [2001] BLR 285

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## QUALIFICATIONS AND AWARDS

2017	Fellow Chartered Institute of Arbitrators (FCIArb)
1996-1997	Inns of Court School of Law
1993-1996	LLB (Hons) University of Bristol

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## ADDITIONAL INFORMATION

Nicholas is an Accredited Adjudicator with the CIArb, RIBA and TECBAR. He is also an accredited TECBAR Arbitrator and Dispute Resolution Board Member. He also accepts appointments as an adjudicator.

Nicholas has been appointed Sole Arbitrator in an ad-hoc arbitration regarding the redevelopment of residential properties in London.

He speaks French, Spanish and some Arabic.

Nicholas is a member of COMBAR, TECBAR, LCLCBA, CIArb and SCL.

He is a former editor of Hudson's Building and Engineering Contracts and regularly lectures both domestically and internationally.

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## RECENT RECOMMENDATIONS

*"Nick pays attention to the detail while keeping an eye on the ball, and he always works collaboratively with the team."*

*"He is very thorough and measured, calm and persuasive as an advocate, and he reads the judge well."*

*"His expertise and service delivery are very good; he has a good, self-assured style and he's very pleasant to deal with."*

Construction, Chambers UK Bar 2023

*"Nicholas is experienced and has precision focus on his cases when preparing and delivering advocacy."*

*"His expertise and service delivery are very good and he has a good, self-assured style - very pleasant to deal with."*

Professional Negligence, Chambers UK Bar 2023

*"Nicholas is an outstanding junior. A knowledgeable team player, and good cross examiner, with experience across the construction field. One to watch."*

Construction, The Legal 500 2023

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*"The perfect senior junior, he provides clear, concise advice and is a good strategic thinker."*  
Energy, The Legal 500 2023

*"He is really down to earth and offers practical guidance."  
"His submission writing is extremely good."*  
Construction, Chambers & Partners UK Bar 2022

*His submission writing is extremely good and he has a very good style of cross-examination."*  
Professional Negligence, Chambers & Partners UK Bar 2022

*"A strong team player who is great with clients. Rolls sleeves up and gets into the detail – he is able to assimilate a lot of information quickly. Very reliable."*  
Construction, The Legal 500 2022

*"A strong team player who is great with clients and is able to assimilate a lot of information quickly."*  
Professional Negligence, The Legal 500 2022

*"Nicholas is measured and thoughtful. His advice is carefully delivered."*  
Energy, The Legal 500 2022

*"Gets across the detail of the case."*  
Construction, Chambers & Partners UK Bar 2021

*"Knows his stuff and is not afraid to run difficult points."*  
Professional Negligence, Chambers & Partners UK Bar 2021

*"He is a great advocate."*  
Professional Negligence, The Legal 500 2021

*"A strong junior who is good on technical detail and is client-friendly."*  
Energy, The Legal 500 2021

*"Pragmatic, easy to work with, convincing and compelling advocate."*  
Construction, The Legal 500 2021

*"An extremely good technical lawyer who has exceptional drafting skills and is very user-friendly."*  
Construction, Chambers & Partners UK Bar and Global 2020

*"Very good on his feet, very client-friendly and thorough in his approach, and realistic about prospects of success."*  
Professional Negligence, Chambers & Partners UK Bar 2020

*"A determined, calm and collected advocate."*  
Construction, The Legal 500 2020

*"An excellent junior, popular with the clients and very good with technically complex cases."*  
Energy, The Legal 500 2020



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*“He masters complex problems quickly.”*

Professional Negligence, The Legal 500 2020

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.