



INTERNATIONAL ARBITRATION
CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
BONDS
PFI / PPP
ENERGY, NATURAL RESOURCES AND UTILITIES
PROFESSIONAL NEGLIGENCE
INFORMATION TECHNOLOGY
AND TELECOMMUNICATIONS
TRANSPORT
GENERAL COMMERCIAL

Rupert Choat KC

Call Date: 1998, Silk: 2022 // rchoat@atkinchambers.com

PRACTICE

Rupert Choat KC has specialised since 1997 in construction, engineering, PFI/PPP, energy and similar disputes. He has considerable experience in related claims involving professional negligence as well as bonds and guarantees. He has worked on disputes concerning projects in over 50 jurisdictions, with most of them governed by the local law. He is an experienced advocate from the English Court of Appeal to arbitration venues around the world.

Rupert is a practising arbitrator and has sat in ICC, LCIA, SCC, DIAC and ad hoc arbitrations. He has also acted as the expert in expert determinations. In addition, Rupert is a CEDR accredited mediator.

Rupert teaches on the MSc in Construction Law & Dispute Resolution at King's College, London.

Rupert was named Construction and Energy Junior of the Year at The Legal 500 UK 2018 awards. He has been ranked the No. 1 Thought Leader in Europe for two years running (Who's Who Legal Construction 2017 & 2018): he *"wins praise from clients for being "charming and talented". He is known to be "an exceptional talent" and "one of the foremost names in construction arbitration and litigation"*. He is highly-ranked by The Legal 500 and Chambers and Partners for construction, energy and international arbitration.

INTERNATIONAL ARBITRATION

- Co-counsel in an ICC arbitration concerning the design and construction of modules for six floating production storage and offloading units (FPSOs). Claims and counterclaims total over US\$ 250m.
- Counsel in two ICC arbitrations on a Middle Eastern power plant, for a total of c.US\$1bn.

- Counsel in an ICC arbitration concerning a major new airport in the Middle East worth c.US\$600m, including variations, extensions of time, delay and disruption costs.
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CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

- Counsel for Jersey developers in ad hoc arbitration over a final account for a high-specification, new-build residential project.
 - Counsel for a contractor regarding claims arising out of its work on a hotel in Libya, in arbitral and court proceedings.
 - Junior counsel for Hackney Empire Theatre and Lord Sugar on issues arising from a contractor entering administration before completing its refurbishment works, including claims against a bondsman.
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BONDS

- Counsel in **Lukoil Mid-East Ltd v Barclays Bank plc** [2016] B.L.R. 162 regarding the interpretation of an “on demand” bond and a call under it for US\$ 7m. The call concerned the late drilling of production wells in one of the world’s largest oil fields (in the Middle East).
 - Counsel in two TCC hearings regarding an injunction against calls on on-demand bonds (owing to alleged bad faith) concerning a power plant in Brazil; **Doosan Babcock Ltd v Comercializadora de Equipos y Materiales Mabe Lda** [2013] EWHC 3010 (TCC) and [2013] EWHC 3201 (TCC); [2014] B.L.R. 33.
 - Advising on whether a £5m bond for a London hotel development was an “on demand” bond and associated issues of interpretation and claiming under the instrument.
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PFI / PPP

- Lead Counsel in €250m arbitration against an East European state over bonus and completion date issues.
- Counsel to a Project Company in adjudication proceedings on various multi-million pound issues arising under a UK hospital PFI project agreement.
- Advising project companies on claims arising under military, waste and schools PFI/PPP projects (including one concerning the termination of a project agreement and sub-contract).

ENERGY, NATURAL RESOURCES AND UTILITIES

ENERGY

- Counsel in TCC litigation concerning the proper interpretation of dispute resolution provisions and when an appointing body is said to have appointed a panel of experts who were not suitably qualified.
- Advising on contractual issues and multi-million euro claims concerning five separate European interconnector projects, including contractual adjudication proceedings.
- Advising an EPC contractor in relation to arbitral and associated court proceedings concerning a power plant in a former Soviet republic.

OIL AND GAS

- Counsel for a state in ICC arbitration proceedings for over US\$650m concerning an oil and gas project involving deficient wells and environmental damage as well as breaches of duties of good faith and concealment.
- Counsel in a SIAC arbitration for over US\$200m concerning the drilling of oil wells in the Persian Gulf (in particular, for providing offshore drilling vessels).
- Advising a joint venture on contractual issues and arbitral proceedings with regard to an oil and gas project in Central Asia.

PROCESS PLANT

- Counsel for a wastewater engineering contractor in £5m TCC litigation against its employer concerning a new build process plant. IChemE Green Book.
- Counsel in an LCIA arbitration on a US\$ 60m claim concerning a late and allegedly defective process plant in Southeast Asia and a bond call.
- Advising on the termination of a contract to construct a new process plant in South Asia and related issues.

WATER

- Counsel to EPC contractors on claims, including termination issues, regarding a US\$1bn+ project to deliver water to a capital city. Three separate international arbitrations with various subcontractors and international arbitration proceedings with the client for US\$400m.
- Counsel in an ICC arbitration against a Central African country concerning claims on a dam, water treatment plant and pipeline project.
- Counsel to an international contractor concerning a new desalination plant in Northwest Africa.

MINING

- Advising in relation to a contractor's multi-million dollar claims regarding a mining project in Russia.

- Advising on rock issues on a project in South America.
 - Advising on contractual issues concerning a nickel mine in Africa and potential arbitral proceedings.
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PROFESSIONAL NEGLIGENCE

- Counsel in litigation against architects and contractors concerning a negligently designed school.
 - Junior counsel to two major UK contractors and a PFI project company in professional negligence litigation against engineers for £35m regarding a defective road in the UK.
 - Counsel in a successful mediation concerning a claim against architects regarding their design of a supermarket destroyed by fire.
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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Acting for a blue chip telecoms company in disputes and adjudications worth over £200m.
 - Advising on New Roads and Street Works Act 1991 claims.
 - Advising an international supplier of hardware/equipment to a new build plant in Russia on a multi-million euro dispute with its employer.
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TRANSPORT

- Counsel in an ICC arbitration regarding JV / Subcontract arrangements for the construction of a road in East Europe.
 - Counsel in an ICC arbitration concerning the termination of its contract in relation to works at two airports in SE Africa.
 - Advising on claims regarding various projects for rail and signalling work.
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GENERAL COMMERCIAL

- Counsel to one-half of a contractual JV in a dispute with the other half over an energy project in the Middle East, where the latter – in breach of duties of good faith - materially breached the JV agreement.
- Advising a Kuwaiti supplier of equipment in relation to multi-million dollar contractual claims regarding a project in Iraq.
- Counsel for a project company in an ICC arbitration regarding a contract with an East Asian company for the supply of equipment for a wind farm that was terminated owing to fraud, collusion and kickbacks (as the Arbitral Tribunal found, in ProjCo's favour).

NOTABLE CASES

BDW Trading Ltd v Lantoom Ltd [2020] EWHC 2744 (TCC), [2020] Costs L.R. 1597 and [2023] EWHC 183 (TCC)

University of Manchester v John McAslan and Partners Ltd [2022] EWHC 2750 (TCC), [2023] T.C.L.R. 2, 205 Con. L.R. 56, [2022] Costs L.R. 1607

Broseley London Ltd v Prime Asset Management Ltd [2020] EWHC 944 (TCC), 190 Con. L.R. 41; and [2020] EWHC 1057 (TCC), [2020] Costs L.R. 661

Flexidig Ltd v M&M Contractors (Europe) Ltd [2020] EWHC 847 (TCC); [2021] EWHC 784 (TCC); and [2021] EWHC 1841 (TCC)

ISG Construction Ltd v Platform Interior Solutions Ltd [2020] EWHC 1120 (TCC), [2020] B.L.R. 525, 191 Con. L.R. 152

Platform Interior Solutions Ltd v ISG Construction Ltd [2020] EWHC 945 (TCC), 190 Con. L.R. 212; and [2020] EWHC 1120 (TCC), [2020] B.L.R. 525, 191 Con. L.R. 152; and EWHC 1310 (TCC)

Tecnicas Reunidas Saudia for Services and Contracting Co Ltd v The Korea Development Bank [2020] EWHC 968 (TCC)

Grandlane Developments Ltd v Skymist Holdings Ltd [2019] EWHC 747 (TCC), [2019] B.L.R. 363, 183 Con. L.R. 100

Equitix ESI CHP (Sheff) Ltd v Veolia Energy and Utility Services UK Plc [2019] EWHC 593 (TCC), 183 Con. L.R. 129. (2019) 35 Const. L.J. 524

Anchor 2020 Ltd v Midas Construction Ltd [2019] EWHC 435 (TCC), 184 Con. L.R. 215

Skymist Holdings Ltd v Grandlane Developments Ltd [2018] EWHC 3504 (TCC), [2019] B.L.R. 173, 183 Con. L.R. 78

Wharfside Regeneration (Ipswich) Ltd (In Administration) v Laing O'Rourke Construction South Ltd [2018] EWHC 3858 (TCC)

Ground Developments Ltd v FCC Construcción SA [2016] EWHC 1946 (TCC), [2016] B.L.R. 532, 167 Con. L.R. 192, [2016] C.I.L.L. 3886

Deluxe Art & Theme Ltd v Beck Interiors Ltd [2016] EWHC 238 (TCC), [2016] B.L.R. 274, 164 Con. L.R. 218, [2016] C.I.L.L. 3808

Lukoil Mid-East Ltd v Barclays Bank plc [2016] EWHC 166 (TCC), [2016] 1 C.L.C. 791, [2016] B.L.R. 162, [2016] C.I.L.L. 3795

Mi-Space (UK) Ltd v Bridgwater Civil Engineering Ltd (BCE) [2015] EWHC 3360 (TCC)

Amec Foster Wheeler Group Ltd v Morgan Sindall Professional Services Ltd and Ors [2015] EWHC 2012 (TCC)

Al-Waddan Hotel Ltd v Man Enterprise Sal (Offshore) [2014] EWHC 4796 (TCC), [2015] B.L.R. 478

ISG Construction Ltd v Seevic College [2014] EWHC 4007 (TCC), [2015] 2 All E.R. (Comm) 545, [2015] B.L.R. 233, 157 Con. L.R. 107, [2015] C.I.L.L. 3598

Doosan Babcock Ltd v Comercializadora de Equipos y Materiales Mabe Lda (formerly Mabe Chile Lda) [2013] EWHC 3010 (TCC), [2014] 1 Lloyd's Rep. 464; and [2013] EWHC 3201 (TCC), [2014] B.L.R. 33

UK Highways A55 Ltd v Hyder Consulting (UK) Ltd [2012] EWHC 3505 (TCC), [2013] B.L.R. 95; (2013) 29 Const. L.J. 234, [2013] C.I.L.L. 3296

Hackney Empire Ltd v Aviva Insurance UK Ltd (No. 2, interest) [2013] EWHC 2212 (TCC), 149 Con. L.R. 213

Hackney Empire Ltd v Aviva Insurance UK Ltd [2012] EWCA Civ 1716, [2013] 1 W.L.R. 3400, [2013] B.L.R. 57, 146 Con. L.R. 1, [2013] 1 E.G.L.R. 101, [2013] 2 E.G. 66 (C.S.); and [2011] EWHC 2378 (TCC), [2011] B.L.R. 726, 138 Con. L.R. 165

Man Enterprise SAL v Al-Waddan Hotel Ltd [2013] EWHC 2356 (TCC), [2014] 1 Lloyd's Rep. 217

MBE Electrical Contractors Ltd v Honeywell Control Systems Ltd Queen's Bench Division [2010] EWHC 2244 (TCC), [2010] B.L.R. 561

Ringway Infrastructure Services Ltd v Vauxhall Motors Ltd Queen's Bench Division (No. 2) [2007] EWHC 2507 (TCC), [2008] T.C.L.R. 2, 115 Con. L.R. 149, [2007] C.I.L.L. 2532

Ringway Infrastructure Services Ltd v Vauxhall Motors Ltd Queen's Bench Division (No. 1) [2007] EWHC 2421 (TCC)

LEGAL TEXTS

Contributing editor for Global Arbitration Review's *Construction Arbitration*.

Columnist for the UK's industry weekly magazine, *Building*.

QUALIFICATIONS AND AWARDS

LLB Law (Hons), Warwick University

LLM Commercial Law (Hons), Cambridge University

Hardwicke and Sir Thomas Moore Scholar, Lincoln's Inn

Fellow of the Chartered Institute of Arbitrators

No. 1 Thought Leader in Europe (Who's Who Legal Construction 2017 & 2018)

Construction and Energy Junior of the Year (Legal 500 UK 2018 awards)

RECENT RECOMMENDATIONS

"Rupert's cross-examination is extraordinary. He is also very adept at coming up with a winning strategy overall."

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2023

"Rupert is incredibly switched on and detailed orientated. He throws himself into the case and absorbs vast amounts of information in very short spaces of time, which makes his advocacy particularly good."

Construction, The Legal 500 2023

"He is helpful and patient, accommodating urgent requests for help, and he is quick to explain aspects of complex supporting evidence."

Energy, The Legal 500 2023

"Rupert is incredibly switched on and detailed orientated. He throws himself into the case and absorbs vast amounts of information in very short spaces of time. This makes his advocacy particularly good as he is able to cross refer to other evidence and react to comments from witnesses very efficiently and tactfully."

International Arbitration, The Legal 500 2023

"Sharp and extremely attentive to details."

Professional Negligence, The Legal 500 2023

"He has a particular flair for advocacy and is persuasive, well prepared and well spoken." "Rupert's written advocacy is second to none." "He is very hard-working, thorough and conscientious. He is a skilled advocate who makes sure that the important points are both covered and grasped."

Construction, Chambers & Partners UK Bar 2023

"Rupert Choat KC is a highly thought-of barrister for construction matters who frequently appears in energy disputes. He has appeared in both court hearings and international arbitrations relating to the full gamut of energy cases, notably handling disputes involving offshore wind farms and drilling rigs."

Energy & Natural Resources, Chambers & Partners UK Bar 2023

"Rupert Choat KC has a flourishing arbitration practice and appears regularly in the Middle East. He has demonstrable strength in construction disputes, acting for states, contractors and construction companies in a number of ICC arbitrations and advocating before the SCC. "Rupert has a real expertise in construction arbitration. He is a brilliant strategist, a sharp legal mind and a fearsome cross-examiner.""

International Arbitration, Chambers & Partners UK Bar 2023

"When he is on your team you can be confident that you will have sensible, excellent arguments." "A skilled advocate who makes sure that the important points are both covered and grasped." "He has a particular flair for advocacy and is persuasive, well prepared and well spoken. His written work is impeccable and gets right into the detail of the issues."

Professional Negligence, Chambers & Partners UK Bar 2023

"Phenomenal counsel who gives his 100% to deliver the results for his client. Incredibly hard working professional. A very good arbitrator too."

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2022

"Rupert is extremely focused and detailed orientated. He gets thoroughly involved in all aspects of the case, giving you confidence he has grasped all issues fully and comprehensively."

Construction, The Legal 500 2022

"He shows excellent commerciality and ability to identify the points which a court or tribunal will be interested in."

Energy, The Legal 500 2022

"Extremely sharp, attentive to details, brilliant cross-examiner. An advantage in any construction arbitration."

International Arbitration, The Legal 500 2022

"Very organised and intelligent. He has a great grasp of the law and the facts."

Professional Negligence, The Legal 500 2022

"He is excellent - a very responsive, hard-working and easy to work with barrister who knows the law inside out." "He is very commercial, pulls out the points that really matter and argues them in a way that is really creative."

Construction, Chambers & Partners UK Bar 2022

"He is knowledgeable on the legal points as well as the technical elements of a case." "He is very commercial and impressive with clients. He pulls out the points that really matter and argues them in a way that is really creative."

Energy & Natural Resources, Chambers & Partners UK Bar 2022

"Rupert has a brilliant legal mind. He is a highly skilled and astute cross-examiner." "He is very responsive. He knows his stuff when it comes to engineering and construction matters - he has seen it all."

International Arbitration, Chambers & Partners UK Bar 2022

"His strength is being cerebral. A details man, he really puts in the work to grind through. His written submissions and strategising are very good, and he works well in a leading role." "It's very nice working with him. He gives really good advice on litigation strategy and is very good in hearings."

Professional Negligence, Chambers & Partners UK Bar 2022

"He is meticulous in preparation, knows how solicitors work and offers outstanding input." "He came up with creative ideas, going that bit further to answer the thorny questions; he is a shining star at the junior Bar."

Construction, The Legal 500 2021

"An aggressive cross-examiner, in a good way - really stands his ground. He punches above his weight in terms of call."

Energy, The Legal 500 2021

"He is very well thought of and I would recommend him 100%."

International Arbitration, The Legal 500 2021

"He is thorough, concise and very detailed in his analysis."

Professional Negligence, The Legal 500 2021

"Extremely talented, very pragmatic, straight-forward and open-minded – one of the best in the construction sector."

International Arbitration, The Legal 500 2021

"He is very good at seeing the tactical as well as the technical issues and he gets stuck into the detail without getting bogged down in it."

Energy, The Legal 500 2021

"Rupert is highly astute and has an extremely thorough knowledge of all aspects of construction law."

Construction, The Legal 500 2021

"A QC-level junior who is very practical and creative in finding solutions." "Rupert is very pragmatic and has strengths in understanding clients from his time in private practice. He is able to deal with complex issues quickly and efficiently."

Construction, Chambers & Partners UK Bar 2020

"He is thorough and hard-working with a detailed understanding of all of the issues involved."

Energy, Chambers & Partners UK Bar 2020

"He has an engaging style and is bright and thorough." "Very responsive and has a commercial approach."

International Arbitration, Chambers & Partners UK Bar 2020

"He is experienced, diligent and capable."

Construction, The Legal 500 2020

"Has a reputation as a very commercially minded barrister."

Energy, The Legal 500 2020

"A cerebral and creative counsel – now one of the leading juniors at the construction Bar."

International Arbitration, The Legal 500 2020

"Super hardworking and super clever."

Professional Negligence, The Legal 500 2020

"A top-quality advocate, in particular in cross-examination"

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 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.