



ENERGY, NATURAL RESOURCES AND UTILITIES
CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ARBITRATION
ADJUDICATION
PROFESSIONAL NEGLIGENCE

Simon Crawshaw

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PRACTICE

Simon specialises in the construction and engineering, and energy sectors representing contractors, manufacturers, private employers and their professional advisers in all forms of dispute resolution, including both domestic and international arbitration, domestic court litigation, mediation and adjudication.

In addition to giving tactical advice, Simon regularly drafts pleadings and acts as sole and junior counsel in applications and trials in large, complex commercial and construction related disputes. He has a reputation for being able to quickly grasp the technical issues in a case. One source states "*You know he'll pick up on the technical points others might miss*" (Chambers & Partners UK Bar).

ENERGY, NATURAL RESOURCES AND UTILITIES

- Acting as junior counsel for the owner and operator of an offshore gas field in the North Sea in the High Court (TCC) defending a £25m delay claim brought by a contractor engaged to construct offshore platforms/modules containing facilities for the production of oil and gas.
- Acting as junior counsel in a high-value arbitration in Hong Kong (HKIAC rules) concerning claims for extension of time, delay and disruption to a project for the design, construction and operation of a facility to generate electricity for export to the grid from the treatment and incineration of dewatered sludge.
- Advising owners/operators of UK offshore wind farms in relation to various warranty disputes with contractors.

- Advising in relation to a potential High Court claim by an energy company against the designer of a cathodic protection system for an offshore windfarm and the contractor who installed the system.
- Acting for the owners/operators of UK hydro-electric schemes in various adjudications under the NEC3 form of contract.
- Acting for a contractor specialising in offshore drilling services in connection with the premature termination of a contract for the supply of a semi-submersible drilling rig and ancillary services allegedly on grounds of poor performance during drilling operations. The contract incorporated LOGIC general conditions.
- During the course of 2012, Simon appeared as junior counsel at various interlocutory hearings in the TCC acting for a large Norwegian contractor in a substantial dispute relating to allegations of the unlawful termination of a contract for the dismantling of six North Sea oil rigs. The contract incorporated LOGIC terms and conditions. The claim was settled shortly before trial.
- Acting for the purchaser of four liquified natural gas producer vessels worth \$1.8bn in relation to a dispute concerning the alleged cancellation / abandonment of the contract. The claim was for return of payments of \$300m made towards the purchase of the vessels.
- Acting as junior counsel for a large foreign energy supplier in a large international arbitration concerning claims of over \$1bn brought in respect of alleged deficiencies in the design of an offshore processing facility for liquefied natural gas.
- Advising in relation to a final account claim on an NEC3 contract concerning the construction of a hydro-electric scheme in Scotland. Work on this project has included the preparation of referral/response documents for adjudication, attendance at a mediation and appearing as junior counsel at a Part 8 trial in the TCC; **RWE Npower Renewables v J N Bentley** [2013] EWHC 978 (TCC).

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Simon has broad experience of construction disputes, both domestic and international, including delay and disruption claims, variations claims and extensions of time. He is very familiar with Standard Form Contracts (JCT, ICE and ACE) and has advised on the DOM/1 form of subcontract. Examples of his work in this sector include:

- Acting as junior counsel for the owner and operator of an offshore gas field in the North Sea in proceedings in the High Court (TCC) defending a £25m delay claim brought by a contractor engaged to construct various offshore platforms/modules containing facilities for the production of oil and gas.
- Acting as junior counsel for an international infrastructure contractor specialising in the design and construction of railways and manufacture of rolling stock in a high-value domestic arbitration concerning claims for delay and disruption to a major transport infrastructure project in a UK city centre.
- Junior counsel for the Government of Gibraltar in respect of a claim being heard in the TCC concerning the termination of design-build contract for the construction of a tunnel in Gibraltar under a modified FIDIC form of contract; **Obrascon Huarte Lain SA v. Her Majesty's Attorney General for Gibraltar** [2014] EWHC 1028 (TCC).

- Advising and acting as junior counsel for PC Harrington Contractors Ltd against Multiplex Constructions (UK) Ltd in a substantial dispute arising out of the construction of the New Wembley National Stadium; **PC Harrington Contractors Ltd v. Multiplex Constructions (UK) Ltd** [2008] BLR 16.
- Appearing as junior counsel in Part 8 proceedings in the TCC for declaratory relief in relation to the operation and effect of the liquidated damages and extension of time provisions of the JCT Standard Form of Building Contract 1998 Edition and the impact of partial possession upon those provisions; **Liberty Mercian v Dean & Dyball** [2009] BLR 29.
- Advising and acting as junior counsel for Barts and The Royal London NHS Trust in prospective Part 8 proceedings in the Commercial Court seeking declarations in relation to the Trust's entitlement to use the variations procedure to omit work from a 35 year PFI Agreement.
- Appearing as junior counsel in High Court proceedings representing a company forming part of the consortium delivering the Manchester tram project. Resisting a claim brought by Transport for Greater Manchester for specific performance / delivery-up of internal documents pursuant to a contractual provision requiring the company to provide certain documentation on request; **Transport for Greater Manchester v Thales** [2012] 146 ConLR 194.
- Acting as junior counsel for a well-known internet electronics retailer in High Court proceedings concerning defects in the construction and design of a distribution warehouse.
- Appearing as counsel in various trials held in both the TCC and County Court concerning disputes over payment and defects in the works.
- Acting for an employer in a claim in the TCC for extension of time by a contractor engaged to carry out extensive renovations to a private residence.
- Advising regarding failure to serve withholding notices under the Housing Grant, Construction and Regeneration Act 1996 and on rights arising out of repudiation by a contractor.
- Advising in relation to the Party Wall Act 1996.
- Acting in a number of interlocutory applications in both the County Court and TCC, including applications for strike out, summary judgment and security for costs.

ARBITRATION

- Acting for a large European contractor in a high-value ICC arbitration proceedings against an Eastern European Government body in connection with two contracts for the repair of a major highway. The claim concerned outstanding payments, delays, variations and wrongful termination under an amended FIDIC form of contract
- Acting for a leading European international engineering consultancy group in an ad-hoc arbitration seated in a Middle East jurisdiction concerning the termination of a contract for provision of design and engineering services on a major airport infrastructure project in the Middle East costing several \$bn.
- Acting as junior counsel in an arbitration in Hong Kong (HKIAC rules) in a high-value dispute concerning extension of time, delay and disruption to a Project for the design, construction and operation of a facility to generate electricity for export to the grid from the treatment and incineration of dewatered sludge.

- Acting as junior counsel in a high-value domestic arbitration for an international infrastructure contractor who specialises in the design and construction of railways and the manufacture of rolling stock in a high-value domestic arbitration concerning claims for delay and disruption to a major transport infrastructure project within a UK city centre.
- Acting for the main contractor engaged to construct a laboratory building for a large oil refinery in the Caribbean in an arbitration conducted under UNCITRAL rules.
- Junior counsel in a Hong Kong arbitration in respect of HK\$ multi-million claims (re-rating and fluctuations) arising out of a project for one of the world's longest cable-stayed highway bridges.
- Advising and acting on a Hong Kong arbitration concerning HK\$ multi-million claims in respect of the design and construction of a major highways project.
- Acting for a large investor in a Singapore (SIAC) arbitration concerning the termination of a contract for the purchase of a large residential, commercial and retail development in Vietnam.
- Advising and acting for a large Italian contractor in a substantial delay claim involving the construction of a prestige Hotel in Eastern Europe (Ukraine). He appeared as junior counsel during final substantive hearing and at a number of preliminary hearings. His role also included assisting in the drafting of all statements of case, witness statements, opening and closing submissions, and costs submissions.

ADJUDICATION

Simon has considerable experience in relation to adjudication and the HGCRA. This experience includes advising upon the enforcement of awards and adjudications under the Act. For example, appearing as Junior Counsel in Part 8 proceedings for pre-emptive declaratory relief in relation to the enforceability of an Adjudication Award in circumstances where the appointment of the Adjudicator preceded service of the Notice of Adjudication; **Vision Homes Ltd v LancsVille Constructions Limited** [2009] BLR 525.

Simon has also advised on and prepared referral/response documents and conducted adjudications. Examples include advising generally and appearing at an adjudication hearing for a sub-contractor in relation to a multi-million pound dispute arising out of defects in a concrete floor, drafting adjudication submissions for a large energy supplier in connection with several adjudications relating to renewable energy projects, and drafting a notice of adjudication for an electrical sub-contractor seeking payment.

PROFESSIONAL NEGLIGENCE

Simon has experience of dealing with a variety of professional negligence claims involving a wide range of professional and consultants in the construction engineering sector, including engineers, contractors, architects and surveyors. Examples include a claim against a surveyor for failure to identify subsidence in a building, a claim against an architect regarding the negligent omission of drainage facilities from a residential extension and a claim against a contract administrator for delivery-up of documents and correspondence belonging to his client.

Recent experience includes:

- Acting for a leading European international engineering consultancy group in an ad-hoc arbitration seated in a Middle East jurisdiction concerning the termination of a contract for provision of design and engineering services on a major airport infrastructure project in the Middle East costing several \$bn. The arbitration includes consideration of multiple counterclaims for professional negligence in connection with design, cost estimation and supervision of the project.
- Acting for a design-build contractor in a High Court (TCC) claim for professional negligence against two design sub-consultants in relation to the design of upgraded stands and other facilities for a well-known cricket stadium in the UK.
- Advising in relation to a potential High Court claim by an energy company against the designer of a cathodic protection system for an offshore windfarm and the contractor who installed the system.

Simon also appeared as junior counsel in an Appeal to the Privy Council from Trinidad and Tobago concerning the proper interpretation of statutory provisions permitting the recovery of loss in personal injury actions from uninsured persons driving with the consent of an insured driver; **The Presidential Insurance Company Limited v Resha St. Hill** [2012] UKPC 33; 3 LRC 7.

TECHNOLOGY

- Acting for a leading European international engineering consultancy group in an ad-hoc arbitration seated in a Middle East jurisdiction concerning allegations of professional negligence in the provision of design and engineering services on a major airport infrastructure project in the Middle East. Aspects of the dispute included allegations of negligent design of an airport Baggage Handling System, negligent design of Airport Ground Lighting systems and negligent design of ATC systems.
- Advising and acting for the supplier of a Tram Operating System to be installed on the Manchester Metrolink in connection with claims for additional payment and extension of time: *Transport for Greater Manchester v Thales* [2012] 146 ConLR 194
- Advising and acting for the manufacturer of a weapons system in connection with allegations of improper recording of costs under a Government contract. 10 day hearing.
- Advising on the termination of a collaboration agreement relating to the provision of a Military Air Traffic Management system.
- Acting as junior counsel in a high-value domestic UK arbitration for a manufacturer of trams and signalling systems against joint venture partner relating to claims for delay and disruption to a major transport infrastructure project within a UK city centre. Aspects of the dispute included delay to the design of the track and delays to testing and commissioning of the signalling system.

NOTABLE CASES

Obrascon Huarte Lain SA v Govt of Gibraltar [2014] BLR

Makudi v Lord Triesman [2014] EWCA Civ 179; [2014] 2 WLR 1228; 164 NLJ 7597

RWE Npower Renewables v J N Bentley [2013] EWHC 978 (TCC)

The Presidential Insurance Co v St. Hill [2012] UKPC 33; [2013] 3 LRC 7

Transport for Greater Manchester v Thales [2012] 146 ConLR 194

Vision Homes Ltd v LancsVille Constructions Limited [2009] BLR 525

Liberty Mercian v Dean & Dyball [2009] BLR 29

PC Harrington v. Multiplex Constructions (UK) Ltd [2008] BLR 16

QUALIFICATIONS AND APPOINTMENTS

2004 Marchant Scholarship, Lincoln's Inn

2003 Boulter Exhibition, Christ Church College, Oxford University

2004-2005 BVC (Very Competent), BPP Law School, Holborn

2003-2004 LLM (Corporate and Commercial Law), King's College London

2000-2003 BA Jurisprudence (1st Class), Christ Church College, Oxford University

ADDITIONAL INFORMATION

Simon is a member of TECBAR, LCLCBA, COMBAR and the SCL.

RECENT RECOMMENDATIONS

"He's incredibly hard-working, with incredible attention to detail."

"Simon Crawshaw is very reliable."

Construction, Chambers & Partners UK Bar 2023

"Fantastic ability to digest complex issues quickly and define clear strategy of solution. Simon is a brilliant negotiator, a good listener, and has thorough knowledge of relevant subject matters."

Construction, The Legal 500 2023

"He has a fantastic ability to digest complex issues quickly and not get bogged down by emotion but see a best path to resolution."

Energy, The Legal 500 2023

AtkinChambersBarristers

"Brilliant negotiator, good listener, thorough knowledge of subject matters, effective communications."

International Arbitration: Counsel, The Legal 500 2023

"A fantastic junior with an eye for detail."

Construction, Chambers & Partners UK Bar 2022

"Simon is very thorough, professional, hard working and responsive."

Energy and Construction, The Legal 500 2022

"His ability to read, digest and understand complex matters over vast swaths of paperwork in a short timeframe is wonderful."

International Arbitration, The Legal 500 2022

"He's a hard-working and user-friendly barrister who is thorough in his work and gets the job done."

"He's a responsive, efficient and reliable advocate."

Construction, Chambers & Partners UK Bar 2021

"Extremely responsive, practical and precise, with a considered professionalism."

Construction, The Legal 500 2021

"An experienced junior with a great eye for detail."

Energy, The Legal 500 2021

"His written work is excellent and he has a real eye for detail and leaves no stone left unturned."

"Gutsy, no-frills, exacting and meticulous, which is exactly what you need from a junior advocate on a dispute of monstrous technical and legal complexity."

Construction, Chambers & Partners UK Bar and Global 2020

"Excellent analytical skills, very good at legal research."

Construction, The Legal 500 2020

"Fantastic attention to detail."

Energy, The Legal 500 2020

"Reliable, forceful, highly intelligent and effective."

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.