



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

Simon Lofthouse KC

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PRACTICE

Simon Lofthouse KC is widely-recognised as a leading domestic and international lawyer with particular expertise in construction, energy, natural resources and professional negligence. As in previous years, Simon is highly-recommended in these fields by the leading legal directories, Chambers and Partners and The Legal 500, both in their UK editions and those published internationally. He is highlighted as "ferociously intelligent, an absolutely formidable advocate" (Chambers and Partners) and noted as being "absolutely world class in hearings" and "a devastating cross examiner" (The Legal 500).

His practice covers international and domestic litigation and arbitration acting for governments, corporations and professionals. The range of disputes frequently involves engineering or construction projects, transport, professional negligence, information technology or energy projects.

He is particularly experienced in the presentation and conduct of complex cases, especially those involving delay analysis, contractual interpretation, allegations of professional negligence issues including defective design, expert determinations and final accounts, or disputed technical issues (including fraud).

The range of disputes covered is extensive, examples include large commercial developments both domestically and internationally (new-build and refurbishment), complex infrastructure works, including track installation, repair and upgrading, IT systems and installations, powers station disputes (both as to construction and operation including waste-to-energy plants), waste and water treatment technology, oil and gas platforms, piling operations onshore and offshore, construction of roads and ships, PFI/PPP, pipe laying, tunnels, pumping stations, coastal defences and effluent, and airport terminals.

His experience spans the range of different forums including mediation, adjudication, expert determination, domestic and international arbitration, and commercial court litigation. Much of his work is international in nature and throughout his career he has advised on, and appeared as advocate in, disputes in Europe, Africa, the Caribbean, the Middle East (he is qualified to practice in the DIFC, Dubai), and across Asia. He has been appointed by the ICC and other domestic and international bodies both as arbitrator and as legal and dispute resolution expert.

Simon also accepts appointments either as a sole arbitrator or as part of a panel and is, of course, familiar with the established domestic and international rules.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Simon has represented employers, governments, contractors, sub-contractors and consultants on many cases, both domestic and international, concerning numerous types of building and civil engineering projects.

CONSTRUCTION

On the pure construction side Simon has dealt with the full range of issues arising out of standard form construction contracts; defects claims and claims concerning professional negligence; procurement including PFI projects; and claims for extensions of time, loss and expense. Recent and current cases include acting for the following:

- Led a team for the defendant on a three-week High Court Trial in claims for variations, loss and expense on pipeline works in a large energy project in Shetland, Scotland. Case particularly noted for rejection of all claimants' expert evidence by the Court [**Van Oord UK Ltd and SCIM Roadbridge Ltd v Allseas UK Ltd** [2015] EWHC 3074 (TCC)].
- Led team in an ultra-high value ICC dispute in relation to the design and construction of a world-leading medical establishment.
- A major construction company in litigation concerning a defects and defective design claim at a landmark development in the UK.
- A UAE development corporation in connection with a foreign arbitration concerning alleged delays to a large residential development.
- A foreign royal family in litigation in connection with a defects and professional negligence claim arising out of a summer palace.
- The employer in litigation concerning defects in the major refurbishment works to provide a 5-star hotel in London.
- A German contractor in an ICC arbitration concerning a delay and extra works claim involving the construction of a manufacturing plant in Bahrain.
- Advising on policy coverage in relation to design losses claimed for innovative plant installed worldwide.
- A major British charity in litigation involving a bid dispute on a PFI refurbishment project in London.

- The contractor in litigation concerning a large hotel refurbishment in London.
- The Ministry of Defence in connection with a major re-build project.
- The developer in an arbitration concerning a large residential development in the Midlands.
- A hospital trust in connection with a complaint of overspend on the construction of a new pharmaceutical facility.
- A major international company in connection with a claim concerning defective abatement plant to reduce emissions.
- The contractor in the Court of Appeal in connection with the fit out of a bulk pharmaceutical manufacturing facility in the UK and the scope of expert determination clauses.
- The designer in connection with a dispute concerning the design of a processing plant for waste arising from a paper processing plant.
- Party appointed arbitrator in a DIAC arbitration, seated in Dubai regarding the construction of a luxury sporting facility and housing development in UAE.
- Appointed as sole arbitrator in an LCIA arbitration regarding a consultancy services agreement.

ENGINEERING

On the engineering side Simon has dealt with issues arising out of the standard forms of engineering contracts, variations thereon and bespoke forms, delay claims, ground conditions claims, civil works, bridge construction, mechanical and electrical disputes, building services and control systems, and piling operations. Examples of his work include acting for/advising on:

- The contractor in an international arbitration concerning claims of defective piling in residential developments in the Far East.
- The construction and performance of infrastructure agreements concerning the upgrading of the UK rail system.
- Acting as a legal and dispute resolution expert in connection with delay, disruption and additional works claims at a major new airport project in India.
- The Treasury Solicitor in connection with delay claims on numerous major transport infrastructure works.
- A dispute concerning the tenders for the new Wembley stadium.
- The UK Government in various road dispute arbitrations.
- The contractor in the Court of Appeal on a clause 12 ground conditions claim arising out of offshore work in the UK.
- Insurers in litigation concerning defective bridges in Ghana, Ethiopia and Peru.
- Transport for London in an arbitration concerning claims arising out infrastructure works.
- The contractor in an arbitration against the Hong Kong SAR concerning delays to underground sewer works.

- A major construction plc against the Ministry of Defence in relation to claims arising out of the design and construction of a submarine facility.
 - The purchaser complaining of fraud in the sale of contaminated land.
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ENERGY, NATURAL RESOURCES AND UTILITIES

Simon has wide experience acting for employers and contractors on domestic and international disputes arising out of the design and construction of, among others, power stations, offshore installations and waste water treatment plants. Examples include acting for:

- The oil company employer in litigation concerning the refitting of a North Sea oil platform.
 - The contractor regarding a desalination plant in Muscat.
 - The contractor on expansion of mineral mine in Mozambique.
 - The employer in litigation concerning the design and construction of a gas-fired power station in the UK.
 - The employer on claims arising out of the construction of a combined cycle gas turbine power station in the UK.
 - The contractor in an ICC arbitration concerning their claims arising out of the construction of a power plant in the Middle East.
 - As adjudicator by agreement of the parties in separate disputes concerning the provision of facilities for gas transmission.
 - A Swiss employer against the French contractor in an arbitration concerning the design and construction of a waste-to-energy facility in the UK.
 - The Japanese party of a multi-national joint venture in a dispute concerning the construction of a power station in Spain.
 - A Czech corporation in an international joint venture concerning the construction of a power station in Bulgaria.
 - A water utility company in litigation alleging defective design and construction of a water treatment plant in the UK.
 - Appointed as sole arbitrator in a UK domestic arbitration regarding a new Distillate Hydrotreater at an Oil Refinery in UK.
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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Simon was recently appointed as a legal expert by the ICC in connection with a major software dispute in India. He has significant experience of other information technology related disputes including acting for:

- An employer in a dispute about IT requirements in a new development.
- A major UK food manufacturer in disputes concerning the design and development of computer control for the process plant for the production of premium brand products.

PROFESSIONAL NEGLIGENCE

Simon has a great deal of experience in the professional negligence field, acting for claimants, defendants and their indemnity insurers in relation to claims brought against a wide range of professionals to include architects, engineers, solicitors and quantity surveyors. Recent or current cases include acting for:

- EPCM contract in a professional negligence claim for engineering services on a development in Africa.
 - The insurers of international architects in connection with negligence and fraud claims concerning a landmark development in the UK.
 - The employer in litigation concerning allegations of the defective engineering design of a long-sea outfall pipe.
 - The contractor in a claim alleging the defective engineering design of sea defences.
 - The employer in a test-claim concerning an innovative roofing design.
 - The employer in claims against the architect concerning delays and defective design on a prestigious new-build development in the UK.
 - A property developer in connection with a professional negligence claim concerning planning problems arising out of a commercial development in London.
 - The architect in litigation involving sound transference from a high-profile nightclub.
 - The architect in connection with a claim for undiscovered asbestos.
 - A UK Government department in connection with a professional negligence claim against their legal advisers.
 - A UK road and rail freight logistics provider in connection with a claim for defective design of an unloading facility.
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NOTABLE CASES

Obrascon Huarte Lain SA (t/a OHL Internacional) & Anor v Qatar Foundation for Education, Science & Community Development [2020] EWHC 1643 (Comm), [2019] EWHC 2539 (Comm)

Van Oord UK Ltd and SCIM Roadbridge Ltd v Allseas UK Ltd [2015] EWHC 3074 (TCC)

Liberty Mercian v Cuddy Civil Engineering [2014] EWHC 3584 (TCC) [2015] BLR 242

Lovell Partnership Ltd v Merton Priory Homes [2014] EWHC 1615 (TCC) [2014] BLR 541

John Grimes v Gubbins [2013] EWCA Civ 37 [2013] BLR 126

Enterprise v McFadden [2009] EWHC 3222 [2010] BLR 89

Buildability Ltd v ODD Ltd [2009] EWHC 3198 [2010] BLR 122 **North Midland Construction v AE&E Lentjes** [2009] EWHC 1371

H S Works v Enterprise [2009] EWHC 729

Liberty Mercian v Dean & Dyball [2009] BLR 29

Birmingham CC v Paddison [2007] BLR 622

Penwith v VP Developments [2007] EWHC 2544

Perkins v Devoron [2006] BLR 218

Carillion v DML [2006] BLR 15 (CA)

Barnes and Elliot v Taylor Woodrow [2004] BLR 111

Rhodia Clivex v Laker Vent [2004] BLR 75 (CA)

LEGAL TEXTS

Simon has contributed to professional publications both in the UK and Europe. He is the past editor of Current Law Digest.

QUALIFICATIONS AND AWARDS

2015	Approved to sit as a Judge in the Technology and Construction Court division of the High Court in England and Wales
2011	Public Access qualified
2011-2015	Chairman of Professional Conduct Committee of the Bar and a Board Member of Bar Standards Board
2010	Bencher of Gray's Inn
2009	Qualified to practice in the DIFC, Dubai
2005-2007	Prosecutor for Bar Standards Board (Disciplinary)
2003	Appointed Recorder
2001-2004	Member of the Bar Professional Conduct Committee
1989-1993	Current Law Editor (Articles)

ADDITIONAL INFORMATION

Simon is a member of COMBAR and TECBAR. He is a registered Adjudicator and has been an Advocacy Trainer for Gray's Inn since 2004.

Simon has presented at seminars and conferences, both domestically and abroad, on FIDIC, international arbitration, IT, construction and energy disputes.

RECENT RECOMMENDATIONS

"Simon is very thorough and detailed in his preparation. You can be assured that he has read every document and considered every point. He is very good on even the most technical and specialist points. His cross-examination is always effective, no matter the witness."

Construction, The Legal 500 2024

"Simon is absolutely world-class in hearings, and his cross-examination, which is the result of very hard work, is really effective."

Energy, The Legal 500 2024

"Simon is a devastating cross-examiner and has a formidable work ethic. He outperforms the other side in hearings and has the ear of the tribunal."

International Arbitration, The Legal 500 2024

"His preparation goes beyond meticulous - it's surgical. I have never seen anyone as prepared as him, ever."

"He is a very, very good opponent who masters the detail."

International Arbitration: Construction/Engineering, Chambers UK Bar 2024

"Simon Lofthouse is always reliable. You can always trust him to give a very commercial analysis of the merits of the case."

"He is the most well-prepared advocate I have ever worked with. He reads every document and gets into every detail."

Construction, Chambers UK Bar 2024

"Simon Lofthouse is extraordinarily hard-working. His preparation goes beyond meticulous and he is a very effective cross-examiner."

Professional Negligence, Chambers UK Bar 2024

"Simon is particularly strong in identifying the critical and key issues at the outset, anticipating the cases which are going to be run by other parties and working out the approaches and ways to respond to them. His great depth and breath of experience in arbitration practice on construction disputes are invaluable in the formulation and design of arbitration procedures which work in the client's interest. He does not shy away from difficulty issues and has been very transparent with clients and those instructing, which are all impressive."

Construction, Energy and Infrastructure, The Legal 500 Asia Pacific 2023

"He's very alive to the subtlety and nuances of cases, and he has a good approach with clients." He's very commercial in his approach and we benefit from his extensive expertise in international arbitration."

Construction, Chambers UK Bar 2023

"His cross-examination abilities are a masterclass - he's one of the best cross-examiners I've ever come across, leaving the witness suitably demolished."

"Simon is tremendously hard-working and always immerses himself in the detail."

International Arbitration, Chambers UK Bar 2023

"Simon was very responsive and reverted quickly. He was also very commercial in his approach and we benefited from his extensive expertise in international arbitration."

Professional Negligence, Chambers UK Bar 2023

"Simon is one of the greatest silks of his generation. He is very focused, and his cross-examination is ruthless. He picks up on small details that others may miss, and he has a good feel for most senior arbitrators and opposing counsel, and no challenge is too great for him."

Construction, The Legal 500 2023

"He is very focused, his cross-examination is ruthless, and he picks up on small details that others may miss."

Energy, The Legal 500 2023

"Simon is very focused and his cross-examination is ruthless. He picks up on small details that others may miss and he has a good feel for most senior arbitrators and opposing counsel."

International Arbitration: Counsel, the Legal 500 2023

"The best cross examiner in construction cases. A force to be reckoned with."

Middle East; Construction, The Legal 500 2023

"Precise and sharp on his feet in his excellent advocacy and analytical skills."

Construction, Energy and Infrastructure, The Legal 500 Asia Pacific 2022

"Simon is second to none in his grasp of voluminous documentation and addressing core issues with speed and accuracy." "He has a total mastery of all of the evidence and combines it with an ability to cross-examine that is at the premier league level."

Construction, Chambers UK Bar 2022

"Simon is an exceptional advocate. He is a devastating cross-examiner, has a very keen eye for detail and is excellent to work with." "He's very sharp, very hard-working and an intelligent and ferocious cross-examiner."

International Arbitration, Chambers UK Bar 2022

"Consistently outclasses opposing silks, because he works harder and has a passion for the case that means he doesn't just walk the extra mile, he thoroughly maps it and is prepared for any eventuality."

International Arbitration, The Legal 500 2022

"Bright, hardworking, prodigious memory, has mental agility in hearings, tactical nous, commercial, pleasant, and a team player. Simon consistently outclasses opposing silks, because he works harder and has a passion for the case that means he doesn't just walk the extra mile, he thoroughly maps it."

Construction, The Legal 500 2022

"Imperturbable, energetic and with a commanding presence, he is always 100% committed to the cause."

Middle East, Construction, The Legal 500 2022

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.