



CONSTRUCTION, ENGINEERING AND  
INFRASTRUCTURE  
ENERGY, NATURAL RESOURCES AND UTILITIES  
TRANSPORT  
PROFESSIONAL NEGLIGENCE  
SHIPBUILDING, REPAIR AND CONVERSION  
PUBLIC LAW  
ADR  
GENERAL COMMERCIAL

## Andrew Goddard KC

Call Date: 1985, Silk: 2003 // [agoddard@atkinchambers.com](mailto:agoddard@atkinchambers.com)

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### PRACTICE

Andrew Goddard KC specialises in the law of commercial obligations, professional negligence and international arbitration, particularly in the context of disputes concerning major construction and engineering contracts, energy and IT projects. He has had much involvement in infrastructure, telecoms and energy disputes, and has acted for main contractors, sub-contractors, professionals and employers, including national and foreign Governments.

Andrew has experience of PPP and PFI projects in the UK and various Commonwealth jurisdictions. He has also acted as counsel for core participants in public inquiries in the UK and Caribbean.

Andrew is “a creative thinker” and “very analytical” (Chambers and Partners), he is strategic in his approach to the prosecution and resolution of disputes. He believes that the process can be improved by increased party collaboration, where sensible to do so, and early identification of the real issues, thereby improving the client’s overall experience and, crucially, outcomes. His expertise in international commercial arbitration stems from appearing in numerous disputes referred to arbitration under the auspices of the ICC, the HKIAC, the LCIA and the LMAA. He also has experience of investor-state disputes proceeding before the International Centre for the Settlement of Investment Disputes (ICSID).

Related areas of law in which he has detailed knowledge and experience include ship construction and conversion, insurance and performance bonds. He is also experienced in judicial review and issues relating to public procurement.

Andrew is a mediator and has been appointed as arbitrator, adjudicator, legal assessor, and legal expert in various disputes. He has also been admitted on an ad hoc basis to the Bars of Hong Kong, Trinidad and Tobago and Tanzania.

Andrew is listed as a leading silk in Construction and International Arbitration by The Legal 500, the Chambers UK Bar Guide, The Legal 500 Asia-Pacific, the Chambers Asia-Pacific Guide, the Chambers Global Guide and Who's Who Legal. He is also listed in The Legal 500's Private Practice Powerlist 2023: Arbitration, Hong Kong.

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## CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

*"He is strategically excellent."*

Construction, Chambers and Partners

Andrew has represented a large number of employers, Governments, contractors, sub-contractors and consultants on many cases, both domestic and international, concerning numerous types of building and civil engineering projects.

### INTERNATIONAL

- Acting for sub-contractors in a HK\$300 million dispute concerning a luxury cruise ship terminal. There are a number of contractual disputes related to the construction of sea defences and the disposal of construction and demolition materials.
- Acting in a substantial payment dispute arising out of construction contracts in connection with a subsea cable-laying project in the sea area near Saudi Arabia.
- Advising on a number of disputes in relation to the construction of a US\$2 billion international airport concourse, including those related to unforeseen adverse ground conditions.
- Appointed as adjudicator in two major PFI highways rehabilitation and maintenance contracts.
- Acting on a Hong Kong arbitration in respect of HK\$ multi-million claims arising out of a project for one of the world's longest cable-stayed highway bridges. Andrew was admitted to the Hong Kong Bar for the successful defence of applications to appeal award in Court of Appeal and Court of Final Appeal, **Maeda Corporation v Govt. of Hong Kong SAR** [2014] BLR 22.
- Acting on major highways dispute for the construction of new trunk road in Hong Kong.
- Acting in a Hong Kong arbitration regarding disputes between the main contractor and employer in the redevelopment of a Hong Kong mixed-use residential and commercial development and related infrastructure.
- Advising on a Hong Kong arbitration under auspices of HKIAC concerning time and financial claims in excess of HK\$250 million arising from a social housing project. Andrew was admitted to the Hong Kong Bar for successful defence of application for leave to appeal.
- Acting on an UNCITRAL arbitration of €multi-million claims arising out of major PPP motorway construction project.
- Acting on an ICC arbitration arising out of termination of design and supervision contract for 35 km motorway between EU accession state and European consortium.
- Acting for the Government of Gibraltar in London High Court action for termination of 600+ residential dwellings contract.

- Acting on LCIA arbitration between South African contractors and West African Government for construction of luxury housing development.
- Advising on a dispute between Tanzanian Governmental agency and Kenyan consulting engineers arising out of terminated contract for port expansion works. Claims were arbitrated in London (with successive appeals to High Court of Tanzania), involving issues as to the identity and capacity of the contracting parties, lawfulness of termination, currency of award and the effects of currency devaluation.

## DOMESTIC

- Successful enforcement proceedings re: adjudicator's decision on entitlement to liquidated damages in relation to a subcontract concerning the provision of a baggage handling system at Gatwick Airport. **Vinci Construction UK Ltd v Beumer Group UK Ltd** [2018] EWHC 1874 (TCC).
- Acting for city housing authority in a dispute relating to the construction of a major public housing development.
- Acting in a major PFI contract for construction of hospital facilities and provision of non-clinical services.
- Acting on a dispute between main contractors and sub-contractors in respect of the Wembley National Stadium, litigated in High Court, London.
- Advising in respect of PPP contract for provision of hospital services.
- Advising on dispute as to the tendering and procurement procedure for PFI hospital project.
- Acting on a High Court dispute concerning the contractor's design responsibility for, and consequences of, the failed encapsulation of asbestos in a major shopping centre.
- Acting on a High Court dispute arising out of a contract for the regeneration of a principal regional railway terminus and failure of glazing works.

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## ENERGY, NATURAL RESOURCES AND UTILITIES

Andrew has wide experience acting for contractors on domestic and international disputes arising out of the design and construction of, among others, power plants and waste water treatment plants.

Examples of his work include:

- Acting for the claimant in relation to the construction of the Carrington Combined Cycle Gas Technology power station in Manchester **Severfield (UK) Ltd v Duro Felguera UK Ltd (No. 2)** [2017] EWHC 3066 (TCC).
- Advising on a US\$200 million dispute concerning the construction of a flagship sludge treatment plant.
- Acting in US\$100 million plus HKIAC arbitration arising from termination of turnkey contract for design and supply of photovoltaic solar cell production lines.
- Acting on a dispute between the Government of Gibraltar and French providers of a waste-to-energy plant. The claims were arbitrated in London and Gibraltar involving issues as to the contractual formula for power purchase, remuneration, lawfulness of termination and the

recoverability/remoteness of damage. Technical issues concerned the calorific value of waste and the ability of the plant as designed to produce the specified energy output.

- Acting on a dispute in respect of a contract for the refurbishment and conversion of a power station to a waste-to-energy plant. The claims were adjudicated in London, involving issues as to the achievement of contract milestones triggering entitlement to payment and the satisfaction of contractual performance criteria. Technical issues concerned the proper assessment of acceptance test data and reasons for apparent non-compliance with specification.
- Advising on the enforcement of an adjudicator's award in respect of construction works at a power station.

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## TRANSPORT

Andrew has represented, among others, governments and contractors on disputes arising from road, rail and infrastructure projects. His experience includes:

- Acting for employer in sub-contract dispute arbitrated in Hong Kong concerning railway extension electrical works. Claims involved fraud and the manufacture of evidence.
- Advising on an ICE Conciliation between employer and contractors concerning major infrastructure works commissioned by Isle of Man Government.
- Appointed as adjudicator in two major PFI highways rehabilitation and maintenance contracts.
- Acting on behalf of a design and build contractor against construction professionals and sub-contractors arising out of the re-laying of section of main line railway. Claims involved issues of professional (and solicitors') negligence and the exclusion/limitation of liability.
- Acting on major highways and bridge construction projects in Hong Kong.
- Acting on a High Court dispute arising out of a contract for signalling and engineering work on commuter railway line in South East. Claims involved issues as to the incorporation of terms and the financial consequences of engineering work extending beyond permitted windows.
- Advising on a dispute arising out of a contract for motorway repair. The claim was arbitrated in London and involved issues as to the true meaning and effect of the contractual remuneration formula in respect of varied and additional work.

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## PROFESSIONAL NEGLIGENCE

In the professional negligence field Andrew has acted for claimants, defendants and their indemnity insurers in relation to claims brought against a wide range of professionals including solicitors, architects and construction professionals. Examples include:

- Acting for a major regional government in a professional negligence case against a firm of environmental engineers in relation to a flagship energy to waste facility. Dispute concerns alleged errors in reporting emission rates and odour emission modelling, and the associated liabilities.
- Acting on a dispute between an English university and professional advisors concerning suitability issues and cost overruns in respect of design of major building project.

- Acting on behalf of design and build contractor against construction professionals and sub-contractors arising out of the re-laying of section of main line railway. Claims involved issues of professional (and solicitors') negligence and the exclusion/limitation of liability.
- Acting against architects on a claim arising out of the design of prestigious HQ building and architect's role in settlement of contractor's claims. The claim, litigated in High Court and resolved through mediation, involved issues as to the contribution played by other professionals and the employer in events giving rise to contractor's claims.
- Acting on an ICC arbitration arising from termination of contract for design of motorway extension.

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## SHIPBUILDING, REPAIR AND CONVERSION

Instructed by foreign Government in respect of the procurement and construction of several Island-class patrol vessels. The vessels are based on the Royal Navy's River-class patrol vessels, are 90 m (295 ft) long, and have 80 man crews plus accommodation for 40 troops. They are designed to perform a range of Economic Exclusion Zone (EEZ) management, special operations and maritime law enforcement tasks.

Andrew gained significant experience as a junior, and then as leading counsel, over several years in a massive international dispute arising out of a contract for the conversion of a bulk carrier into a dynamically positioned pipe-laying vessel. The claims, arbitrated in London, raised numerous issues of contractual interpretation, fraud, proof and quantification of loss, and currency of award (with successive appeals to the High Court) **Sembawang Corporation v Pacific Ocean Shipbuilding** [2004] EWHC 2743 (Comm); [2004] App. LR 11.

Andrew has recently instructed by a foreign shipyard to advise on issues of contractual interpretation, including termination provisions of marine contract, and institution of arbitration proceedings under LMAA arbitration clause.

Andrew has also provided advice in respect of the redevelopment of a dry dock in UAE.

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## PUBLIC LAW

Andrew acted as Leading Counsel for the principal participant in a major Public Inquiry into the construction industry in Trinidad and Tobago. The Inquiry, chaired by an English KC, lasted for over a year and involved allegations of corruption in the public procurement decisions of a State-Owned Enterprise.

The Inquiry spawned two significant Judicial Reviews in the High Court of Trinidad and Tobago leading to findings of apparent bias on the part of two members of the Inquiry panel and a landmark decision on the immunity of Counsel appearing at a Public Inquiry.

Andrew is currently acting for one of the principal Core Participants in the on-going UK Public Inquiry into the fire at Grenfell Tower in north London in June 2017.

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## ADR APPOINTMENTS

## Examples include:

- Appointed as sole arbitrator, seated in Hong Kong in respect of delays to a new IT system procured by the HKSAR.
- Appointed as party nominated arbitrator (ICC, Vietnam seat) in respect of defects from the construction of a highway in Southeast Asia.
- Appointed as president in a VIAC arbitration, seated in Vietnam regarding a Rapid Transit System.
- Appointed as party nominated arbitrator in 2 separate SIAC arbitrations seated in Singapore in respect of delays in the construction of a power station in Cambodia.
- Appointed as party nominated arbitrator (LCIA, London seat) in a dispute arising out of a Purchase and Sale Agreement for Drilling product components. The contract was to design, manufacture, test and deliver components for oil and gas drilling rigs.
- Appointed as sole arbitrator (ICE) regarding the reconstruction of a fuel terminal in UK.
- Appointed as adjudicator in two separate major PFI highways rehabilitation and maintenance contracts.
- Appointed as adjudicator in respect of FIDIC Silver Book contract for LNG terminal.
- Appointed as Mediator regarding the fire protection systems installed at various storage warehouses across the UK following a fire

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## GENERAL COMMERCIAL

### INTERNATIONAL INVESTMENT DISPUTES

Andrew acted on behalf of a foreign investor arbitrating claims pursuant to bilateral investment treaty (BIT) proceeding before the International Centre for the Settlement of Investment Disputes (ICSID).

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## Appointments and Memberships

- AIAC Panel of Arbitrators
- HKIAC Panel of Emergency Arbitrators
- BICAM Panel of Arbitrators.
- LCIA Database of Arbitrators
- SCL
- TECBAR

## RECENT RECOMMENDATIONS

*“Andrew is good at analysing complicated legal, technical and factual issues. His advocacy is smooth and well-structured. He is able to explain complicated matters in a logical and easy-to-understand manner. He is also responsive and understands the need of solicitors.”*

Construction, The Legal 500 2024

*“Andrew is a leading construction silk. He is a skilled advocate with extensive construction experience. His advice is practical and thorough.”*

International Arbitration, The Legal 500 2024

*“He is excellent to work with and available any time.”*

International Arbitration: Construction/Engineering, Chambers UK Bar 2024

*“In addition to being an excellent advocate, Andrew works extremely hard, making himself available at all times to suit the needs of the case. Superb support and leadership.”*

*“Andrew provides excellent advice on matters of interpretation and strategy.”*

Construction, Chambers UK Bar 2024

*“Andrew understands the needs of the client perfectly and provides solutions from both the legal and commercial perspective.”*

*“From the perspective of an arbitrator, he is worth listening to and doesn't waste your time. He knows what he's doing.”*

International Arbitration – The Bar, Chambers Asia Pacific 2024

*“Andrew is incredibly bright and hardworking and an absolute pleasure to work with. His written advocacy is better than almost anyone else's. His oral advocacy is also extremely strong.”*

Construction, Energy & Infrastructure, The Legal 500 Asia-Pacific 2023

*“Andrew is able to grasp complex factual and scientific matters with ease, and he is a pleasure to work with.”*

*“He got up to speed really quickly and was calm and measured in his arguments.”*

*“Andrew is an absolute star at the strategy.”*

Construction, Chambers UK Bar 2023

*“Andrew Goddard is intelligent, commercially astute and a real fighter. He will go the extra mile for his clients.”*

*“He is a very good advocate.”*

International Arbitration: Chambers UK Bar 2023

*“Andrew did an absolutely fantastic job. He is creative and an absolute star in strategy and not just black-letter law.”*

International Arbitration, Chambers Asia Pacific 2023

*“Andrew is a very experienced construction barrister. His opinions are thorough and easy to understand, his advocacy is extremely effective, and his strategy is effective and pragmatic.”*

# AtkinChambersBarristers

Construction, The Legal 500 2023

*“Top notch cross-examination and advocacy skills. Very hard working with good attention to details. Excellent in developing case strategy and easy to work with.”*

International Arbitration: Counsel, The Legal 500 2023

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.