



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
INTERNATIONAL ARBITRATION
PROFESSIONAL NEGLIGENCE
GENERAL COMMERCIAL
ADJUDICATION

Arthur Graham-Dixon

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PRACTICE

Arthur is an experienced trial advocate specialising in highly technical, high-stakes international disputes within Chambers' core areas of practice (construction, engineering, infrastructure, energy, technology, and professional negligence), across a broad range of industries (from power plants to airports to abattoirs). He has particular recent experience of acting in trials where contracts have been terminated by an employer mid-construction.

Over the past few years, Arthur has acted in:

- A 3-week trial (2024) in an ICC arbitration between Chinese and Indian entities, regarding the termination of a contract and the delayed construction of 400km of linear signalling and telecommunications systems (sole junior).
- A 4-week trial (2024) in an ICC arbitration between English and Spanish entities, regarding the termination of a contract and the delayed construction of a major biomass plant (sole junior).
- An 8-week trial (2022) in an extremely heavy ICC arbitration between two entities based in Scandinavia and the Middle East, regarding the delayed construction of a major, international-hub airport. The case involved 49 witnesses of fact and more than 30 expert witnesses opining within 20 different fields of expertise. The claims involved the passing on of liability under arbitral awards in more than ten sets of other arbitral proceedings.

Arthur also has a lively domestic practice, both led and unled. His reported cases can be found in 'Notable Cases' below. Examples as sole counsel include *Meadowside Building Developments Ltd* [2019] EWHC 2651 (Technology and Construction Court), in which the other side's adjudication-enforcement claim was refused on an unprecedented basis (the scope for an abuse of process due to a champertous / illegitimate funding agreement). *Meadowside* is also a significant and widely published case on the impact of insolvency on the enforceability of adjudication decisions, which was cited with approval by the Supreme Court in *Bresco*.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

- Junior counsel in a c. £35m TCC dispute on the design, procurement, and construction of a UK abattoir, with complex technical issues (refrigeration) and a wide range of legal issues involving contractual limitation periods and UCTA; implied/inferred novation; duty to warn; and application of CPR 17.4 (amendments after expiry of limitation): <https://www.thelawyer.com/top-20-cases-2021/>.
- Sole junior in a multi-million pound TCC dispute concerning alleged defects in the construction of a University building, including a strike out application and various other contested procedural issues: **University of Manchester v John McAslan and Partners Ltd** [2020] EWHC 3392 (TCC) (judgment on costs of strike out application); [2023] T.C.L.R. 2 | 205 Con. L.R. 56 | [2022] Costs L.R. 1607 (judgment on disclosure of expert-related material).
- Sole junior in a multi-million pound TCC dispute about the refurbishment under a PFI of hundreds of properties managed by a London Council.
- Acted as sole counsel on behalf of a defendant being pursued for unpaid invoices under multiple contracts for the hire of equipment, with counterclaims based on *inter alia* defective equipment and resulting delay.
- Acted as sole counsel on behalf of homeowners in connection with the defective construction of a new-build property, including roofing and tiling issues.
- As sole counsel, defended three sets of adjudication proceedings simultaneously advanced by a main contractor across three projects, seeking remuneration on the basis of actual cost in the absence of any express payment terms. The contractor recovered just 15% of its overall claim.
- Acted as sole counsel in final account dispute relating to the construction of a boutique jewellery shop.
- Sole junior in a multi-million pound TCC dispute arising out of the delayed construction of a care home.
- Within a team of counsel, successfully defended adjudication proceedings arising out of a final account claim for c. £2m (contract based on NEC3 ECC Option A). The claims were rejected in their entirety.
- Advised in relation to *inter alia* the termination rights of an Italian company supplying road-management technological systems to a North African company.
- Advised on extension of time claim and whether time 'at large' in multi-million pound UK-based dispute.
- Advised in a multi-million pound dispute between a UK and a German company concerning delay and defects in a contract for the design and supply of equipment for a gas-fired power generation plant (issues relating to liquidated damages, bills of quantities, & extensions to Defects Correction Period).
- Advised on an employer's ability to seek injunctive relief against its project manager in circumstances where the project manager had entered into a non-disclosure agreement with a contractor in relation to the project without the employer's knowledge.
- Advised on Final Statement conclusivity provisions in the JCT Design and Build Contract 2011.

INTERNATIONAL ARBITRATION

- 14-day trial as sole junior on a c. £50m dispute concerning termination of a FIDIC-based contract and the delayed construction of 400km of linear signalling and telecommunications systems (seated in Singapore; governed by Indian law).
 - 20-day trial as sole junior on a c. £200m dispute concerning termination of a FIDIC-based contract and the delayed and defective construction of a UK-based biomass plant, with a major claim for extension of time based on 'changes of law' during the COVID-19 pandemic.
 - 42-day trial as junior counsel on a very high-value international arbitration, over a period of 4 years, concerning the design, procurement, and construction of a major airport in the Middle East (foreign seat and foreign applicable law; FIDIC-based contract). Lead responsibility from pleadings to trial for the part of the case involving the main terminal building, with counterclaims pleaded at c. US\$ 500 million.
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PROFESSIONAL NEGLIGENCE

- As sole counsel, acted in c. £800,000 multi-party High Court claim concerning sale of property, defects and architects' certificates.
 - Advised on a professional negligence claim concerning an architect's supervisory work.
 - Much of Arthur's experience in construction and international arbitration work has involved cases in which allegations of professional negligence have been central to the dispute. This includes, of the cases described above, the disputes in relation to:
 - The design and construction of a UK abattoir <https://www.thelawyer.com/top-20-cases-2021/>;
 - The design and construction of a University building: see e.g. **University of Manchester v John McAslan and Partners Ltd** [2023] T.C.L.R. 2 | 205 Con. L.R. 56 | [2022] Costs L.R. 1607 (judgment on disclosure of expert-related material); and
 - The design, procurement, and construction of a major airport in the Middle East.
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GENERAL COMMERCIAL

- As sole counsel, successfully defended a defendant facing a claim for £200,000 issued in the Commercial Court, contesting jurisdiction under CPR 11. The claimant discontinued proceedings.
- As sole counsel, successfully defended an Ireland-domiciled defendant facing default judgment for c. £150,000, having identified that proceedings had not been served in accordance with the Service Regulation (1393/2007). The claimants discontinued proceedings after the point was raised.
- As sole counsel, successfully obtained summary judgment in c. £175,000 High Court claim in respect of unpaid invoices on behalf of a recruitment company, together with the full suite of Part 36 consequences (indemnity costs, interest on costs, and a further 10% of the awarded sum), having originally advised on and prepared a Part 36 offer.

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- As sole counsel, following a strike out and summary judgment application, obtained a full recovery including 100% of the incurred costs, in a claim for the repayment of a £60,000 loan.
- As sole counsel, acted on behalf of an estate / widowed executrix pursuing recovery of a personal loan of over £1 million between the deceased and a personal acquaintance.
- As sole counsel, acted for a defendant in multi-party litigation involving a debt claim pursued by an assignee under a factoring agreement, defended by (*inter alia*) a counterclaim in contract and/or restitution against the assignor (also pursued under a Part 20 claim).
- As sole counsel, acted in Commercial Court proceedings in a claim for the repayment of a £300,000 loan.
- Advised executors of an estate on the recovery of loans made by the deceased to a personal friend.
- Advised on a claim under a director's guarantee in respect of overdue interim payments owed by an insolvent company.
- Advised on defending a claim for lost profits brought by a contractor after the employer exercised a termination-at-will clause under a letter of instruction.
- Advised on prospects of a claim arising out of a failure to progress a planning application for a development where (had planning permission been granted) the defendant would have been obliged to pay the claimant to undertake the development.
- Advised on scope and effect of expert determination clause arising under an agreement for sale of a property.
- Advised on contractual termination and claims for delayed completion under an agreement for sale of a property.

ADJUDICATION

- Sole counsel in **Meadowside Building Developments Ltd (in liquidation) v 12-18 Hill Street Management Company Ltd** [2019] EWHC 2651 (TCC), the leading case interpreting the Court of Appeal's decision in **Bresco v Lonsdale** and cited with approval in the Supreme Court's decision in **Bresco v Lonsdale**. Separately from the wider principles concerning adjudication enforcement and the insolvency regime, Arthur succeeded on behalf of the defendant in resisting enforcement on the unprecedented ground that the claimant's funding arrangement was champertous and so gave rise to a question of abuse of process which could not be determined summarily.
- Sole counsel in **Indigo Projects London Ltd v Razin & Anor** [2019] EWHC 1205 (TCC), the first case interpreting the Court of Appeal's decision in **Bresco v Lonsdale**, in which the enforcing claimant was under a company voluntary arrangement (CVA).
- Sole counsel in **Fresh Lime Construction Ltd v Seymour Realty Ltd** [2020] EWHC 3734 (TCC), successfully obtaining summary judgment in the TCC on an assigned claim to enforce an adjudication decision, against a Defendant outside the jurisdiction, having advised on the application to substitute the assignee as claimant, and obtaining indemnity costs of the whole proceedings.
- Advised on defending anticipated adjudication enforcement proceedings on grounds of no jurisdiction due to multiple contracts. The other side decided not to enforce.

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- Advised multiple companies faced with interrelated claims being pursued on behalf of an insolvent company by a claims management consultant operating under a damages-based agreement.
- As sole counsel, defended smash-and-grab adjudication for a post-termination final payment under a contract based on the JCT Intermediate Building Contract 2016 form. The contractor recovered 0% of its claim.
- As sole counsel, defended three sets of adjudication proceedings simultaneously advanced by a main contractor across three projects, seeking remuneration on the basis of actual cost in the absence of any express payment terms. The contractor recovered just 15% of its overall claim.
- Within a team of counsel, successfully defended adjudication proceedings arising out of a final account claim for c. £2m (contract based on NEC3 ECC Option A). The claims were rejected in their entirety.
- As sole counsel, successfully enforced an adjudication decision in the Technology and Construction Court (*ex tempore* judgment) and obtained indemnity costs against the resisting party.
- As sole counsel, successfully enforced an adjudication decision in the County Court at Central London (*ex tempore* judgment), successfully resisting an application for a stay of execution on financial grounds, and obtained indemnity costs against the resisting party.
- As sole counsel, made a non-party costs order application in the Technology and Construction Court against the director to a company resisting adjudication enforcement proceedings.

NOTABLE CASES

University of Manchester v John McAslan and Partners Ltd [2023] T.C.L.R. 2 | 205 Con. L.R. 56 | [2022] Costs L.R. 1607 (judgment on disclosure of expert-related material; acting as junior counsel)

Meadowside Building Developments Ltd (in liquidation) v 12-18 Hill Street Management Company Ltd [2019] EWHC 2651 (TCC); [2020] Bus. L.R. 917; [2020] B.L.R. 65; (2019) 186 Con. L.R. 148 (acting as sole counsel)

Indigo Projects London Ltd v Razin & Anor [2019] EWHC 1205 (TCC); [2019] Bus. L.R. 1957; [2019] B.L.R. 454; (2019) 184 Con. L.R. 251; [2019] B.P.I.R. 861 (acting as sole counsel)

Fresh Lime Construction Ltd v Seymour Realty Ltd [2020] EWHC 3734 (TCC) (acting as sole counsel)

QUALIFICATIONS AND AWARDS

2016-2017	BPTC, City Law School Lord Mansfield Scholar, Lincoln's Inn Hardwicke Scholar, Lincoln's Inn BPTC Scholarship, City Law School
2015-2016	GDL, City Law School

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Before graduating as a law student, alongside his studies Arthur led a case to the SEND (Special Educational Needs and Disability) Tribunal, part of the First Tier Tribunal, appearing on behalf of the parents of an excluded child before a panel of three tribunal-members chaired by a District Judge (acting through the School Exclusion Project). Shortly after opening the case, a recess was called and the school agreed to withdraw the exclusion from the child's record.

Prize for Contract Law coursework at City Law School.

Finalist, appearing before Lord Mance in the Supreme Court, in the City Law GDL moot.

Represented City Law School in Vienna in the leading international arbitration 'Vis Moot'.

2011-2015 Double First (7th in university) in Classics at Oxford (Literae Humaniores 1A)

Hugh Oldham Scholar, Corpus Christi, Oxford

Three Isaiah Berlin prizes, Corpus Christi, Oxford

LEGAL TEXTS

Arthur is a contributing editor of the new Hudson's Building and Engineering Contracts (14th ed., 2020).

ADDITIONAL INFORMATION

Arthur is a member of TECBAR, COMBAR and the Society of Construction Law.