+44 (0)20 7544 2600
clerks@keatingchambers.com

Stephen Furst KC



Call: **1975** Silk: **1991**

"An outstanding and a go-to arbitrator for construction disputes around the world."

Chambers UK Bar 2021

Clerk Details

Oliver Goldsmith
T: +44 (0)20 7544 2701
ogoldsmith@keatingchambers.com

Elaine Weaver
T: +44 (0)20 7544 2672
eweaver@keatingchambers.com

Practice Overview

Stephen Furst KC specialises in construction, engineering, energy, shipbuilding and technology related disputes along with professional negligence actions within these specialist areas of expertise.

He acts as an arbitrator on domestic and international arbitrations for bodies including the International Chamber of Commerce (ICC), DIFC-LCIA and the London Court of International Arbitration (LCIA). He is also an accredited adjudicator and mediator of considerable experience and was appointed to the Dispute Resolution Board for the Forth Replacement Bridge.

His recent appointments include disputes concerning the Panama Canal, solar energy projects in Jordan, hydroelectric companies in Madagascar as well as PFI hospital disputes in the UK. Apart from the technical issues involved, Stephen Furst KC also considers inter-company agreements, guarantees, Letters of Credit and a variety of commercial disputes. He has a significant international practice with arbitrations relating to projects in Russia, Europe, Kazakhstan, Hong Kong, Korea, Republic of Ireland, Thailand and the United Arab Emirates. Please contact our clerking team regarding appointing Stephen in alternative dispute resolutions

He has developed a reputation for handling the most technically challenging cases and his practice covered highly complex claims in areas such as pipelines, tunnelling projects, power station construction, aircraft design, oil rig design, process plants, ship building and software.

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Stephen Furst is a former Deputy Judge of the Technology and Construction Court and Recorder. He is the joint editor of Keating on Construction Contracts.

Practice Areas

Arbitrator

- Chairman of LCIA Tribunal: Dispute about sale of company carrying out hydroelectric works in Madagascar.
- Chairman of DIFC-LCIA Tribunal: Dredging dispute in the Middle East.
- Chairman of UNCITRAL Tribunal: Fee claim relating to airport in Middle East.
- Party appointed Arbitrator: Panama Canal disputes.
- Party appointed Arbitrator: losses arising out of a fire in a refinery in the Middle East.
- Chairman of ICC Tribunal: Dispute concerning desalination plant in Bahrain.
- Chairman of LCIA Tribunal: Dispute relating to the supply and construction of “Flotels”.
- Sole Arbitrator: Dispute concerning interpretation of contract relating to fluctuations.
- Chairman of ICC Tribunal: Design, manufacture and installation of several gas turbines for a power station in Asia.
- Sole Arbitrator: Prestige housing development in the UK.
- Sole Arbitrator: Dispute over liabilities concerning waste disposal.
- Arbitrator: Dispute relating to delay of delivery of computer/management systems involving complex issues on software and hardware.
- DIAC appointed arbitrator: Dispute relating to Dubai Airport.
- ICC appointed Arbitrator: Dispute on Turkish pipeline.
- Appointed as arbitrator in a UNCITRAL arbitration concerning the construction of a road in Africa (FIDIC Contract).
- Appointed as arbitrator concerning onshore processing facility in Russia.
- Sole Arbitrator: Dispute relating to construction of cement factory.
- Sole Arbitrator: Dispute on price fluctuation clause.
- Arbitrator on UNCITRAL arbitration concerning off-shore trenching works.
- Chairman of ICC Tribunal: Arbitration on power and desalination in Middle East.
- Chairman on LCIA Tribunal: Arbitration concerning accommodation for off-shore work.
- Arbitrator on dispute relating to power supply for HS1.

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Adjudicator

- Mediator/Adjudicator in relation to solar power projects in Jordan.
- Disputes concerning road works in Wales.
- Disputes under a PFI Contract.
- Dispute as to the termination of a contract for the construction of a cultural centre.
- Dispute between employer and PPP in relation to upgrade work on the London Underground.
- Claim for professional negligence arising from a large commercial development.
- Approved adjudicator in a dozen CTRL (Channel Tunnel Rail Link) contracts and for Crossrail.
- Disputes arising out of delay in completion of sewage works.
- Dispute about omission of works on Crossrail.
- Dispute about delay to Jubilee Line Extension.

Mediator

- Mediator in dispute under PFI water treatment contract in Scotland.
- Design & Build contract for waste water treatment plant in the UK.
- A large commercial property construction project in the UK.
- Offshore oil platform engineering operations in the North Sea.
- Liability for defective work to a harbour complex in the UK.
- Disputes relating to off-shore wind farm.

Dispute Resolution Boards

- Appointed as Board member in relation to the new Forth Bridge crossing (amended FIDIC contract).
- Chairman of Board concerning gas pipeline in Australia.

Construction & Engineering

- Advising on rate dispute concerning pipeline works in Kuwait.
- Acting as Lead Counsel in Arbitration proceedings arising out of the construction of a road and associated works (FIDIC Contract).
- Advising on a Framework Contract for a Utility.
- Advising on Framework Contract linked to NEC3.
- Advising local authority on NEC standard form as to substantial disputes on public transport project.

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- Advising on claims arising out of construction of high tech laser facility.
- Appearing in Court of Appeal on pay when paid clause.
- Advising on HK arbitrations relating to claims for additional payments under or pursuant to the contracts.
- Advising on liability of contractors for pipe failure under term utility contract.
- Advising on a Hospital PFI contract.

Energy & Nuclear

- Advising on and acting on behalf of contractor on sulphur reduction work on coal fired power station.
- Advising on liabilities in connection with construction of nuclear power plant (FIDIC Contract).
- Advising in connection with a major nuclear storage site in Ukraine (FIDIC Contract).
- General advice as to liabilities for work on nuclear sites.
- Several cases relating to combined cycle generators.

Offshore Construction & Marine Engineering

- Arbitrator in relation to dispute concerning Flotels.
- Advising on termination rights under shipbuilding contract.
- Advising on professional negligence claim relating to shipbuilding dispute.
- Advising contractor on disputes relating to Royal Navy landing crafts.
- Advising on liabilities and entitlements under pipe laying contract off Italian coast.
- Advising on disputes relating to construction of two oil rigs in South Korea.
- Arbitration proceedings relating to crude oil tanker.

Infrastructure & Utilities

- Acting as Lead Counsel in Arbitration proceedings arising out of the construction of a road and associated works (FIDIC Contract).
- Advising local authority on NEC standard form as to substantial disputes on public transport project.

PFI/PPP

- Dispute arising out of a PFI Project Agreement for the redevelopment of a hospital.
- Dispute concerning a PFI project for the design and construction of an energy from waste facility.
- Adjudication relating to a PFI Project Agreement for the design, upgrading, construction, financing, operation and maintenance of wastewater treatment works.

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Environmental

- Acting for client in connection with construction of waste incinerator.
- Advising as to liabilities arising from sewage pumping station.
- Advising as to nuisance from sewage treatment plant.

IT & Technology

- Advising on complex contract as to liabilities for software failures.
- Representing government on software for control of human centrifuge.
- Represented clients in dispute involving computer aided design and manufacture for aircraft.

Professional Negligence

- Acting for contractor in professional negligence claim against engineers.
- Acting for private client in claim against architect.

Reported Cases

- Gold Group Properties Ltd v BDW Trading Ltd BLM Vol. 27 No. 7 TCC, EWHC 1632 (TCC)
- William Hare Ltd v Shepherd Construction Ltd EWCA Civ 283; [2010] BLR 358, [2010] 12 EG 96, 130 Con LR 1, [2010] CILL 2825, [2010] 22 EG 108
- Buildability Ltd v O'Donnell Developments Ltd EWHC 3196 (TCC), [2010] BLR 122
- Balfour Beatty Engineering Services (HY) Ltd v Shepherd Construction Ltd EWHC 2218 TCC, 127 Con LR 110
- William Hare Ltd v Shepherd Construction Ltd EWHC 1603 (TCC), [2009] BLR 447, 125 Con LR 123, [2009] CILL 2753, [2010] BCC 332
- North Midland Construction Ltd v AE & E Lentjes UK Ltd EWHC 1371 (TCC)
- Reinwood Ltd v L Brown & Sons Ltd CA BLR 37
- Galliford Try Infrastructure Ltd v Mott MacDonald Ltd CILL 2612 TCC
- Carillion Construction v Devonport Royal Dockyard BLR 15 CA
- Carillion Construction Ltd v Devonport Dockyard Ltd CILL 2297 CA
- Devonport Royal Dockyard Ltd v Carillion Construction Ltd 102 Con LR 167 TCC
- Henry Boot Construction Ltd v Alstom Combined Cycles Ltd 1 WLR 3850; [2005] 3 All ER 932

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- Benaim (UK) Ltd v Davies Middleton & Davies Ltd 102 Con LR 1 TCC
- Devonport Royal Dockyards Ltd v Carillion Construction Ltd All ER (D) 366 TCC
- Henry Boot Construction Ltd v Alstom Combined Cycles CILL 2276 and BLM Vol 22 No 9 p.1 CA
- Henry Boot Construction Ltd v Alstom Combined Cycles Ltd EWCA Civ. 814 LAWTEL CA
- Henry Boot Construction Ltd v Alstom Combined Cycles Ltd BLR 437 CA
- Henry Boot Construction Ltd v Alstom Combined Cycles Ltd (No. 2) 101 Con LR 52 CA
- Carillion Construction v Devonport Royal Dockyard Times Law Reports 24 Nov CA
- Carillion Construction Ltd v Devonport Royal Dockyard BLR 310 TCC
- Birse Construction Ltd v McCormick (UK) Ltd 99 Con LR 181 TCC
- AMEC Capital Projects Ltd v Whitefriars City Estates Ltd 96 Con LR 142, [2005] BLR 1 CA, [2004] 20 Const LJ 338 and [2004] EWHC 393 (TCC)
- Carillion Construction Ltd v Devonport Royal Dockyard Ltd BLR 79 TCC
- Lord Norman Foster and Foster & Partners v Associated Newspapers Ltd
- RG Carter Ltd v Edmund Nuttall Ltd BLR 232 TCC
- John Mowlem Construction plc v Secretary of State for Defence 82 Con LR 140 TCC
- Skanska Construction v Anglo Amsterdam 84 Con LR 100 TCC
- Hurstwood Development v Motor & General PNLR 10 CA
- Nordic Holdings Ltd v Mott Macdonald Ltd 77 Con LR 88
- Alstom Combined Cycles Ltd v Henry Boot plc TCLR 8 TCC
- Bouygues (UK) Ltd v Dahl-Jensen (UK) Ltd 1 All ER (Comm) 1041
- Henry Boot Construction ltd v Alstom Combined Cycles Ltd (Formerly GEC Alstom Combined Cycles Ltd) BLR 247
- Directory of Historic Key Reported Cases involving Members of Keating Chambers Various
- Macob Civil Engineering Ltd v Morrison Construction Ltd 75 Con LR 101

Other information

Education & Professional Career

- Recommended International Arbitrators of PIAC, 2016

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- Primary List arbitrator for Singapore Institute of Arbitrators
- Approved Mediator, Kuala Lumpur Regional Centre for Arbitration, 2015
- Approved Arbitrator, Kuala Lumpur Regional Centre for Arbitration, 2015
- Approved RICS Adjudicator, 2013
- Approved Arbitrator, Hong Kong International Arbitration Centre, 2011
- Deputy High Court Judge, 2010
- Bencher, Middle Temple, 2003
- Recorder, 1999
- Assistant Recorder, 1992
- Queen's Counsel, 1991
- Called to the Bar, 1975
- Bachelor of Laws (Hons), University of Leeds, 1974
- BA (Hons) in Philosophy, Politics and Economics, Oxford University, 1972

Additional Information

Stephen conducts seminars for construction companies, quantity surveyors and solicitors on topics ranging from timeframe and termination provisions to current adjudication issues and international arbitration. In his spare time Stephen is a keen rugby fan and despite his Scottish allegiances, can often be seen at Twickenham. He is also a bee keeper.

Seminars & Publications

- Keating on Construction Contracts 10th Edition Sir Vivian Ramsey and Stephen Furst QC 2016
- Keating on Construction Contracts 9th Edition Sir Vivian Ramsey and Stephen Furst QC 29 February 2012
- Damages clauses – If the cap fits Stephen Furst QC 1 February 2010
- Keating on Construction Contracts 8th Edition, 1st Supplement Stephen Furst QC and Mr Justice Ramsey Publication: 09 December 2008
- Keating on Construction Contracts – Eighth Edition Editors: The Hon Sir Vivian Ramsey & Stephen Furst QC 13 October 2006
- Joint Editor, Keating on Building Contracts, supplement to 7th edition 2004
- Joint Editor, Keating on Building Contracts, 7th edition, 2001
- Developed a computerised construction law database. 1991-2003
- Joint Editor, Construction Law Yearbook – 1994,1995

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Recommendations

"Stephen Furst is a very thoughtful arbitrator."

International Arbitration: Arbitrators, Chambers & Partners UK Bar 2025

"Extremely well regarded for construction arbitrations."

International Arbitration: Arbitrators, Legal 500 2021

"An outstanding and a go-to arbitrator for construction disputes around the world."

International Arbitration: Arbitrators, Chambers UK 2021

"A very experienced arbitrator who knows his stuff and is good on quantum details."

International Arbitration: Arbitrators, Chambers UK 2021

"A consummate professional, unfazed by the technicalities, and a real privilege to work with."

International Arbitration: Arbitrators, Chambers UK 2020

He “has a brain the size of a planet” ... “his intelligence is quite humbling”.

Who's Who Legal 2019: UK Bar Construction