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Simon Hargreaves KC

Call: **1991** Silk: **2009**

"A very approachable silk with a keen eye for detail who will invariably pull out a new and often winning point."

Chambers UK Bar 2022



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Practice Overview

Simon Hargreaves KC specialises in disputes arising from construction, process engineering and process plant construction, civil, geotechnical, structural, mechanical and electrical and marine engineering, IT & technology systems, logistics, transport, energy contracts, tunneling, nuclear decontamination, nuclear build, asbestos decontamination, wind turbines, piling onshore & offshore, water treatment, infrastructure and utilities contracts, rail contracts, collapses, floods and fires. Simon also has considerable experience of professional negligence claims and related insurance claims across all the areas of his practice, including claims for and against civil, structural and process engineers, geotechnical engineers, mechanical and electrical engineers, architects, asbestos professionals and contractors, project managers, construction managers, quantity surveyors, IT consultants and costs consultants.

Simon has very lengthy and detailed experience, in multiple cases (including in *URS Corp Ltd v BDW Trading Ltd* [2026] AC 409), of structural engineering issues arising from transfer slabs, strut and tie analyses, application of IStructE guidance on existing buildings, government responses to transfer slab issues, and related structural engineering issues.

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Simon has been involved in a number of high profile cases both at first instance and in the Court of Appeal across the different areas of his practice, principally construction, process engineering, civil, structural and marine engineering, fires, floods, rail, construction professionals' negligence and IT disputes. In recent years he has been involved in claims arising from: Crossrail; desalination plant in Qatar; ferry terminal in Jordan; gold mining in Burkina Faso; chlorine manufacture; hydrocrackers; flooding in the Greenwich Millennium Village; the Magna Park fire; the Gerrard's Cross tunnel collapse; the Chancery Lane Tube derailment and claims arising on Wembley Stadium.

Simon specialises in all forums including litigation, arbitration (international and domestic), adjudication and ADR as well as relief concerning pre-action disclosure, summary judgment, interim payment, strike out, security for costs, arbitration applications, appeals from arbitrators and serious irregularities, injunctions and bond applications.

Simon has extensive PFI experience and regularly advises NHS Trusts and project companies in relation to local authority infrastructure contracts; hospitals; waste contracts. He also appears on several panels as Adjudicator for resolution of PFI disputes.

Simon has a swiftly growing practice sitting as arbitrator, adjudicator, expert and on dispute boards.

Practice Areas

PFI & PPP

- Acting for and advising Project Co in relation to street lighting and other local authority infrastructure PFI contract in the north of England. The issues included: application of Adjustments retrospectively (derivation of date and time of Adjustments); calculation of adjustments; proper construction of Adjustments provisions; whether Adjustments amount to a penalty; validity of claims based on sampling; problems arising from informal Change; construing contractual provisions (Performance Standards) in relation to performance failures, update failures and reporting failures; application of good faith clause; proper construction of double-counting clause; proper construction of overpayment / wrongful deduction clause; analysis and construction of several Method Statements on a range of topics; issues concerning systems databases, updates and access; issues concerning monthly monitoring reports; application of equitable remedies; unconscionable clauses and unjust enrichment.
- Acting for and advising Project Co in relation to street lighting and other local authority infrastructure PFI contract in the South West. Issues included application of Adjustments retrospectively (derivation of date and time of Adjustments); calculation of adjustments; proper construction of Adjustments provisions; penalty.
- Advising Project Co in relation to a voluntary termination by a Council of a Schools PFI Project Agreement.
- Acting as Adjudicator in a heavy dispute between an NHS Trust and Project Co arising from a PFI contract. The issues over two 1-day hearings with numerous witnesses included: fire compartmentation; whole Hospital Unavailability; construction and application of Declarations of Unavailability; construction and application of Availability Charge Deductions; construction and application of Over-riding Clinical Reason (one of the mechanisms for occupying when Unavailable); whether Availability

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Charge Deductions a penalty; construction and application of obligation to Vacate; Deductions caps; application of the obligation of good faith; construction and maintenance defects; detailed application of pay mech. *This decision is in circulation having been obtained several times under Freedom of Information requests.*

- Advising an FM Services Contractor in relation to an FM Services Contract under a Hospital PFI scheme. Issues included retrospective application of deductions and service failure points.
- Acting for and advising NHS Trust in a dispute with Project Co arising from PFI contract. The principal concern was a hospital-wide foul drainage system deficiency. Issues arising included: declaration of whole hospital Unavailability; interpretation of and application of definitions of Fault, Unavailability Event, Accessibility Condition; Safety Condition; Use Condition and Prescribed Health Function Condition; penalty; who determines the classification of a default logged at the Helpdesk; whether Unavailability needs to be determined before it can be applied; whether Unavailability needs to be direct as such or whether it can be consequential Unavailability; interpretation and application of Excusing Cause. Other system defects included: door failures; ventilation issues; AGV system; dysfunctional helpdesk; defective glazing; pneumatic tub system failings.
- Acting for and advising Project Co in a dispute with NHS Trust arising from PFI Contract. Issues include: crystallisation of disputes; whole Hospital Unavailability; whether a determination of Unavailability is needed; complex details as to application of payment mechanism; whether facts amount to Unavailability; construction of and validity of notice of Unavailability; proper construction of “Emergency Situation”; whether areas used in an Emergency Situation; entitlement to access; whether access prevented remedial works; burden of proof as to whole Hospital Unavailability; penalty; recoupment of Building Availability Fee Deductions; validity of Service Fee Deductions.
- Advising NHS Trust in a dispute with Project Co as regards deficient fire compartmentation. Issues included: crystallisation of disputes; limitation issues concerning warranty claims against the building contractor and construction professionals; limitation periods for indemnity claims; whether a claim for damages can be brought against Project Co, or whether deductions and service failure points are sole remedy.
- Acting for and advising NHS Trust in a dispute with Project Co arising from PFI Contract. Issues include: correct application of Service Failure Points; correct classification and reporting of issues at the Helpdesk; correct application and interpretation of HTMs and recruitment of Authorised Engineer and Authorised Person; disputing Project Co Monthly Reports.
- Acting for and advising Project Co in a dispute with NHS Trust arising from PFI Contract. Issues include: crystallisation of disputes; fire compartmentation; whole Hospital Unavailability; whether a determination of Unavailability is needed; construction of and validity of notice of Unavailability; interpretation and application of Safety Condition; access.
- Year-long appointment as sole member of Dispute Avoidance Board by Trust, Project Co, Contractor and Service Provider in relation to ongoing major hospital PFI project.
- Advising Project Co in an ongoing Waste PFI contract as regards construction of various clauses and termination.
- Advising NHS Trust in a dispute with Project Co as regards deficient fire compartmentation. Issues included: crystallisation of disputes; limitation issues concerning warranty claims against the building contractor and construction professionals; limitation periods for indemnity claims; whether a claim for damages can be brought against Project Co, or whether deductions and service failure points are sole remedy.

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- Acting as Counsel in an arbitration concerning a PFI project for the delivery of the first fully integrated communications network on the London Underground, including the provision of radio communications between trains and control rooms and radio communications between members of staff by hand portable units, and telephone and video communications between LUL assets.

Construction & Engineering

- Acting as Counsel in the Court of Appeal in relation to a “hybrid” construction contract. The issue was whether an application for payment had to distinguish between construction operations and non-construction operations for the purposes of the HGCRA as amended.
- Acting as Counsel in a TCC trial concerning whether the primary activity at a waste processing site was power generation for the purposes of s 105(2)(c) of the HGCRA as amended.
- Acting as Counsel on an application to enforce an Adjudicator’s decision. The issue was whether, in circumstances where the Adjudicator determined the value of a termination account but by agreement did not have jurisdiction to order an actual payment, the Court could order the payment at the summary judgment stage, or whether there first needed to be a further adjudication in which the Adjudicator made an order for payment.
- Acting as Counsel in TCC in relation to an application under the Third Parties (Rights against Insurers) Act 2010 to join the insurer of a contractor in administration to proceedings for the purposes of obtaining declarations as to the contractor’s liability and the insurer’s liability.
- Acting as Counsel in a TCC Part 8 hearing concerning the correct construction of a liability cap in a JCT sub-contract.
- Acting as Counsel in an ongoing dispute concerning a waste treatment facility.
- Acting as Counsel in connection with a terminated construction contract. Issues included which obligations survived termination, and how to enforce the contractor’s obligation to provide a parent company guarantee.
- Acting as Counsel in a preliminary issue as to the correct interpretation of a clause dealing with the limitation period for potential claims by householders against the NHBC.
- Acting as Counsel in a case where the Court determined the test to be applied where a party sought early disclosure after commencement of proceedings (so not pre-action disclosure) but nonetheless before pleadings and well before the usual timing of disclosure.
- Acting as Counsel in a dispute concerning alleged embrittlement and cracking of hot and cold water CPVC pipework. Issues included: alleged leaching of phthalate esters from rubber compensators; stress, strain and toughness of CPVC; no loss; unreasonable remedial works.
- Acting as Counsel for the Developer in the Accolade litigation. Issues included: construction of design and construct obligations; remoteness; reasonableness of remedial works; rectification; diminution in value; blight; execution and delivery of deeds; estoppel by deed; estoppel by contract; estoppel by convention; avoidance for common mistake; strike out. Technical issues included: site investigation reports; non-working pile testing; working pile testing; determining settlement criteria; negative skin friction; defective piling; resin jacking a piled slab.

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- Acting as Counsel in dispute concerning the carrying out of track, electrification and signalling works, and the construction of new satellite siding, in relation to a train maintenance depot which was to remain operational throughout.
- Acting as Counsel for a sub-contractor at first instance and in the Court of Appeal in a case concerning a flood at a development in Greenwich. Issues included: construction of obligations; *Canada Steamship* principles applied to up the line inspection obligations; application of the “but for” test in a case of multiple causes; multiple causes of loss in a claim for a contractual indemnity.
- Acting as Counsel in a trial producing three reported judgments concerning groundworks for the development of a supermarket. Issues included: misnomer; rectification for common or unilateral mistake; liability for the provision of warranties, performance bonds and parent company guarantee after termination / repudiation.
- Acting as Counsel in relation to a dispute concerning an EPC Contract for the design supply installation and commissioning of boilers and other plant for a major chlorine manufacturing plant.
- Acting as Counsel in disputes arising from the Gerrard’s Cross rail tunnel collapse. Issues included: setting of deflection thresholds; design deflection limits; arch deflections; monitoring of arch deflections; utilisation of and departure from fill sequences around and above arch.
- Acting as Counsel for a high profile hotel development. Issues included construction of liquidated damages clause; penalty; evidential estoppel and contractual estoppel.
- Acting as Counsel in long-running litigation concerning design and construction of Wembley Stadium steelwork.

Simon Hargreaves KC has acted and advised as Counsel on all of the main forms of contract including: JCT; ICE; FIDIC; NEC3; IChemE; IMechE; PPC; TPC; GC/Works; RIBA; ACE; CIC; RICS contracts and innumerable bespoke development; construction; design; professional and services contracts.

25 years of experience in cases including:

- Term Contracts (Utilities) – valuation issues
- Tunneling
- Oil and Gas Installations (including design, procurement and construction of refinery plant)
- Nuclear decontamination
- Wind Turbines – Grouted Connection Failures
- IT systems contracts, data centres, hosting services
- Warehousing, materials handling and distribution systems (publishers, record companies etc)
- Command and Control Systems (Fire and Ambulance)
- Water treatment works
- Process Plant (various)
- Storage vessels (land and sea)

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- Sub-sea engineering
- Claims in contract and tort by and against developers, designers, contractors, management contractors, sub-contractors and suppliers
- Quantum meruit claims
- Site investigation and geotechnical disputes
- Claims arising from developments on peat and landfill, and difficult site development generally
- Subsidence claims
- Earthworks
- Asbestos contamination and removal
- Heavy delay and disruption claims
- Steelwork
- Air-conditioning systems
- Railways, trains, train and bogie design and manufacture
- Collapses
- Floods
- Sports stadiums
- Hospitals
- Fires and fire prevention
- Residential developments
- Retail, Office, Mixed Use, University, Hotel and Sports developments
- Canals
- Piling onshore and offshore
- Resin jacking
- Numerous adjudications and enforcements
- Economic torts
- Appeals from arbitrators
- Advising on & drafting standard terms
- Unfair Contract Terms Act 1977
- Claims in professional negligence
- Limitation issues

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- Claims against insurers and brokers.

Appears on several informal panels as Adjudicator for resolution of PFI disputes. Routinely proposed, subject to availability and conflict checks.

Energy & Natural Resources

- Acting as Counsel in relation to DAB and arbitration disputes arising from the Medupi and Kusile power stations in South Africa.
- Acting as Counsel in a TCC trial concerning whether the primary activity at a waste processing site was power generation for the purposes of s 105(2)(c) of the HGCRA as amended.
- Acting as Counsel in disputes concerning several waste treatment facilities.
- Acting as Counsel in disputes concerning major electrical infrastructure projects.
- Appearing as Counsel in a case concerning Nuclear decontamination of a Grade 1 facility. Issues included: extent of permissible radiation levels (Becquerels per sq cm – beta, gamma and alpha); caesium 137; cobalt 60; exploranium monitoring; compensation events; method statements; means of control; monitoring pre- and post-removal.
- Appearing as Counsel in an arbitration concerning design of nuclear power station turbine blades at well-known UK nuclear power station. Issues included: fraud in design; misrepresentation; resonances in blades in operation; fatigue cracking; finite element analysis.
- Advising and drafting case for a successful arbitration concerning North Sea oil and gas recovery; presence of salt in the Production; construction of Gas Specifications; compliance or otherwise of gas with Gas Specifications; construction of Transport, Processing and Operations Services Agreements; ancillary issues concerning the desalination plant; construction of ancillary agreements concerning commingling.
- Advising in relation to a contract for design construction and delivery of a Flotel in the North Sea including: defects in construction; abortive delivery; HSE project licencing; termination of contract; recoverability of losses pursuant to contract / at common law; exclusive remedies or not; recoverability for misrepresentation, deceit, reckless or wilful act or omission or gross negligence, total failure of consideration.
- Advising on a dispute concerning the construction of an oil refinery in Serbia. Issues included: delay analysis; compromise agreement; time at large; suspension;
- Advising in relation to ICC arbitration concerning petrochemical facility at Rabigh, Saudi Arabia, issues concerning RFISU, Milestones, delays, construction of interim agreement and change.
- Advising in relation to dispute concerning civil, utilities and erection sub-contract relating to Tankage Works project at Gas to Liquids facility at Ras Laffan, Qatar, issues concerning buyback clauses, contractual discretion, innominate terms.
- Appearing as Counsel in ICC arbitration concerning major desalination plant in the Middle East, issues concerning delays and extensions of time, weather, design, prevention.

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- Advising in relation to a FEED, EPC and PM contract for Dukhan Consolidated Facilities Upgrade Project, Qatar, issues concerning proper construction of payment provisions.
- Advising in relation to a refurbishment of oil refinery plant in Russia, issues concerning delays, time at large, breaking down of contract machinery and technical issues as regards hydrocrackers.
- Advising in relation to subsea installation, hookup and precommissioning and project management in relation to the subsea well tieback to the Benguela and Belize Drilling and Production Platform, Lobito Tomboco Project, Angola, issues concerning supply of materials and relevant contractual rights and remedies.
- Appearing as Counsel in ICC arbitration in Hong Kong, issues concerning the upgrading and restringing of power lines across Papua New Guinea.
- Advising in relation to contract for LNG terminal in Peru, issues concerning breach of environmental protection requirement, defects, delays and extensions of time.
- Acting as Counsel in litigation concerning a Gold mining project in Burkina Faso. Issues concerned project management; design; time; process plant defects and overspend on an EPCM contract.

Infrastructure & Utilities

- Acting as Counsel in disputes concerning major electrical infrastructure projects.
- Appearing as Counsel in several detailed arbitration hearings (and one ancillary High Court hearing) concerning term contracts for road restorations post metering installations in London.
- Advising in relation to a flooding incident which swept away several properties in an ongoing development. Issues included liability under the Water Industry Act 1991 and recoverability of pecuniary losses consequent upon physical damage.
- Advising in relation to a sewage processing plant. Issues included: appropriateness of input sludge (including volatile solids; % dry solids); dewatering potential and equipment; anoxic processing; biological phosphorus removal; Take-Over and Performance Testing; termination for cause or convenience.
- Advising and drafting proceedings against a water undertaker in relation to transactions with a developer for the provision of water mains. Issues included: overcharging for the provision of water mains; misrepresentation; unlawful contracts; severance; void contracts; unjust enrichment; common and unilateral mistake; rescission; restitution.
- Acting and advising in relation to numerous AMP contracts throughout UK.
- Acting as Counsel and advising in relation to the M6 Toll Road project.
- Numerous rail contracts (see under “Rail”).

Rail

- Appearing as Counsel in a 4-day contested arbitration concerning the recoverability of cost under Part G of the Network Code in respect of Network Change, under the Track Access Conditions in respect of Restrictions of Use (including RoU type 1, RoU type 2 and RoU type 3), under the Station Access Conditions, the Template Cooperation Agreement, and the

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Depot Access Conditions in respect of Maintenance and Renewals.

- Acting as Counsel in litigation concerning the Chancery Lane underground derailment. Issues included design liability of bogie designers and manufacturers; fitness for purpose; design life; single point failure; fatigue cracking; finite element analysis; machining tolerances; thermal differential between components; heavy quantum issues.
- Acting as Counsel in several disputes arising from Crossrail.
- Acting as Counsel in arbitration concerning the design and construction of a new fleet of trains.
- Acting as Counsel in dispute concerning the carrying out of track, electrification and signalling works, and the construction of new satellite siding, in relation to a train maintenance depot which was to remain operational throughout.
- Acting as Counsel in disputes arising from the Gerrard's Cross rail tunnel collapse. Issues included: setting of deflection thresholds; design deflection limits; arch deflections; monitoring of arch deflections; utilisation of and departure from fill sequences around and above arch.
- Advising on recoverable losses arising from serious damage to a train.
- Advising in relation to contractual issues concerning the renewal of a rail franchise.
- Advising in relation to the operation of option provisions in a train maintenance contract.
- Advising in relation to the construction of a TSSSA, including as to the interpretation of detailed terminology concerning the spares supply service. Advising on the related Manufacture and Supply Agreement.
- Working for the ORR.

International Arbitration

- Acting as Counsel in an ICC hearing concerning a major upgrade to domestic sewage systems in Muscat
- Acting as Counsel in relation to DAB and arbitration disputes arising from the Medupi and Kusile power stations in South Africa
- Acting as Counsel in heavy ICC arbitration concerning major desalination plant in the Middle East, issues included: delays and extensions of time; EIA report; weather; power supply connection; early possession; completion of Acceptance Tests; weather; design; prevention; detailed quantum; applicability of LDs.
- Advising in relation to a Master Services Agreement in South Africa.
- Acting as Counsel in highly complex ICC arbitration in Hong Kong, issues concerning the upgrading and restringing of power lines across Papua New Guinea.
- Advising in relation to contract for LNG terminal in Peru, issues concerning breach of environmental protection requirement, defects, delays and extensions of time.
- Advising on a dispute concerning the construction of an oil refinery in Serbia. Issues included: delay analysis; compromise agreement; time at large; suspension;

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- Advising in relation to ICC arbitration concerning petrochemical facility at Rabigh, Saudi Arabia, issues concerning RFISU, Milestones, delays, construction of interim agreement and change.
- Advising in relation to dispute concerning civil, utilities and erection sub-contract relating to Tankage Works project at Gas to Liquids facility at Ras Laffan, Qatar, issues concerning buyback clauses, contractual discretion, innominate terms.
- Appearing as Counsel in ICC arbitration concerning major desalination plant in the Middle East, issues concerning delays and extensions of time, weather, design, prevention.
- Advising in relation to a FEED, EPC and PM contract for Dukhan Consolidated Facilities Upgrade Project, Qatar, issues concerning proper construction of payment provisions.
- Advising in relation to a refurbishment of oil refinery plant in Russia, issues concerning delays, time at large, breaking down of contract machinery and technical issues as regards hydrocrackers.
- Advising in relation to subsea installation, hookup and precommissioning and project management in relation to the subsea well tieback to the Benguela and Belize Drilling and Production Platform, Lobito Tomboco Project, Angola, issues concerning supply of materials and relevant contractual rights and remedies.

Offshore Construction & Marine Engineering

- Acting and advising in relation to a Topsides, Build and Integration subcontract for a Hull to be fitted into a Semi-Submersible Drilling Rig. Issues included: construction of terms of novation; permissibility of omissions; termination for convenience.
- Acting in relation to a contract for design construction and delivery of a Flotel in the North Sea including: defects in construction; abortive delivery; HSE project licencing; termination of contract; recoverability of losses pursuant to contract / at common law; exclusive remedies or not; recoverability for misrepresentation, deceit, reckless or wilful act or omission or gross negligence, total failure of consideration.
- Acting in relation to grouted connection defects in North Sea wind farm, issues including DNV standards and certification.
- Advising and drafting DAB proceedings in relation to an offshore wind farm in the North Sea. Issues included: disputed variations; appropriate relief; interim remedies.
- Advising in connection with offshore cryogenic containers, issues including DNV certification notes.
- Advising in relation to contract for LNG terminal in Peru, issues concerning breach of environmental protection requirement, defects, delays and extensions of time.
- Advising in connection with several Oil and Gas Installations (including design, procurement and construction of refinery plant).

IT & Technology

- Appearing as Counsel in a trial concerning a design and supply contract for software and hardware for a Fire and Ambulance Command and Control Centre in Dublin. Issues included: alleged shortcomings in legacy data; whether

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contractor should have warned of shortcomings; data integration; causes of delay; compliance with FATs phases 1 and 2; loading rules changes; utility programmes; compliance with SATs; bugs / defects; condition precedent; achievement of LAD milestones.

- Acting as Counsel in litigation concerning a design and supply contract for software and hardware for materials handling systems including ASRS cranes, associated aisle equipment, pallet conveyors serving a bulk store, associated control systems and other equipment and systems, for a well-known national distribution centre. Issues included: functionality of WES software; functionality of easypick to light; interface between WMS and WCS; compliance with Tests on Completion; bugs / defects; compliance with Performance Tests; construction of certificates.
- Acting as Counsel in litigation concerning a business software design and supply contract for a handler and supplier of specialist construction products. Issues included: construction of obligations as regards software localization; construction of obligations as regards software integration with existing and future modules; construction of time obligations; Go Live issues; bugs / defects; termination; limitation of liability clauses.
- Acting as Counsel in an arbitration concerning the design and supply of software for various aspects of Transport for London's upgrade of the London transport network, including Oystercard.
- Acting as Counsel in a dispute concerning the design and supply of software and hardware for a Warehouse Control System for a national distribution centre enabling order consolidation for picking and automated sortation for packaging and distribution out of a possible 14 million base items. Issues included: allocation of risk between contractor, project manager and client as regards overall project requirements; obligations as regards identifying project requirements; responsibility for legacy data; mechanics of material handling equipment; carton fill algorithms; mainframe order consolidation; mainframe extracts by transport code; automatic batch opening and closing.
- Acting as Counsel in an arbitration concerning a PFI project for the delivery of the first fully integrated communications network on the London Underground, including the provision of radio communications between trains and control rooms and radio communications between members of staff by hand portable units, and telephone and video communications between LUL assets.
- Acting as Counsel in litigation concerning a contract for the design, supply and construction of a dry mix mortar and concrete processing plant. Issues included: defects in the fluid bed dryer / cooler; processing capacity; final moisture content; caking and sticking; operational failures and fires; termination; losses.

Professional Negligence

- Advising in relation to liability for project overspend in a mixed use development including as against development manager; project manager; quantity surveyor and others.
- Acting for and advising in relation to a long-running dispute concerning a major project overspend in a high profile car showroom development including as against project manager; contract administrator and quantity surveyor.
- Acting for a pension fund against designers of a development. Issues included whether losses caused by a falling market could be recovered as being "locked in" in the *Blue Circle*

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- Acting as Counsel in relation to a tunnel collapse against civil engineer, project manager and project supervisor.
- Acting in litigation against the designer of engine mountings on rail stock.
- Acting in proceedings against an architect for failure to advise properly in relation to budgeting, negotiations, procurement, inspection and cost control.
- Acting in proceedings against a civil and structural engineer, and a geotechnical engineer, in a major housing development of several hundred properties affected variably by settlement or heave.
- Acting in proceedings against an architect in connection with a sports facility for failure to specify adequately; failure to coordinate; failure to supervise; certifying when defects present.
- Acting in arbitration against a turbine designer for negligent design and fraud.
- Acting in proceedings against an architect and quantity surveyor as regards a project for the removal of asbestos.
- Acting in proceedings against a civil engineer and a geotechnical engineer in relation to groundwater washing away engineered fill.
- Acting in proceedings against an architect and a mechanical engineer in relation to defects in an HVAC system.
- Acting in proceedings against an architect for failure properly to specify a hot and cold water system.
- Acting in proceedings against structural engineer and architect as regards cladding design.
- Acting on behalf of a major supermarket in proceedings against an architect, mechanical services engineer, project manager and construction manager.

Appointments

Arbitrator, Adjudicator, Expert Determination & Dispute Board Appointments

- Acting as Adjudicator in a dispute between a Local Authority and Contractor arising from the Covid-19 (coronavirus) pandemic. Issues included: whether a Government's publication of certain Guidance relating to the pandemic amounted to an instruction to stop work for the purposes of the Contract.
- Acting as Adjudicator in a dispute between an NHS Trust and Project Co, as regards the correct interpretation and application of Project Co's maintenance obligations, and the applicable Deductions. Issues included: whether a fault must be causing an operational problem in order to come within Reactive Maintenance; whether allegedly "hunting" for defects, and then applying Deductions in relation to such defects, was a breach of the good faith obligation; whether the *Braganza* implied term applied to the power to levy Deductions.
- Acting as Adjudicator in relation to a dispute concerning the overheating of an apartment block. Issues included the extent of the design obligation and its relationship with the scope of works.
- Acting as Adjudicator in relation to delamination and blistering of paint coatings on rail bridges. Issues included the correction of an obvious error in the wording of Standstill Agreements by the application of the principle in *Chartbrook*.
- Acting as Adjudicator in an interim payment dispute.

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- Acting as Adjudicator in a complex delay and disruption claim, concerning a hotel / apartment development.
- Two year appointment as sole member of Dispute Avoidance Board by Trust, Project Co, Contractor and Service Provider in relation to ongoing major hospital PFI project, including facilitating application of pay mech.
- Acting as Expert in conjunction with a QS in a dispute concerning contractor's liability for design coordination. Resolving that question and providing guidance by way of examples to assist the future administration of the contract.
- Acting as Adjudicator in a heavy dispute between an NHS Trust and Project Co arising from a PFI contract. The issues over two 1-day hearings with numerous witnesses included: fire compartmentation; whole Hospital Unavailability; construction and application of Declarations of Unavailability; construction and application of Availability Charge Deductions; construction and application of Over-riding Clinical Reason (one of the various PFI contractual mechanisms for occupying when Unavailable); whether Availability Charge Deductions a penalty; construction and application of obligation to Vacate; Deductions caps; application of the obligation of good faith; construction and maintenance defects; detailed application of pay mech. *This decision is in circulation having been obtained several times under Freedom of Information requests.*
- Acting as Adjudicator in a highly technical dispute concerning a bespoke and complicated Development Agreement for the construction of two hotels. Issues included: correct construction of detailed provisions concerning Employer's Variations; adequacy of build-ups to EVs; time and money consequences; recovery of "cost"; meaning of "cost" under several heads; recovery of finance charges; recovery of Developer Costs.
- Acting as Adjudicator in a detailed dispute concerning a term contract for road repairs and the incidence and liability for certain local authority charges. Issues included: construction of framework agreement; conditions precedent.

Reported Cases

- ISG Retail Limited v FK Construction Limited [2024] EWHC 878 (TCC)
- URS Corporation Ltd v BDW Trading Ltd [2023] EWCA Civ 772
- Kajima Construction Europe (UK) Ltd v Children's Ark Partnership Ltd [2023] EWCA Civ 292
- Fabricom v MW [2020] EWHC 1626 (TCC)
- URS Corporation Ltd (Appellant) v BDW Trading Ltd (Respondent) [2025] UKSC 21
- John Sisk and Son Ltd v Capital & Centric (Rose) Ltd [2025] EWHC 594 (TCC)
- Engie Fabricom UK Ltd v MW High Tech Projects UK Ltd [2019] EWHC 1876 (TCC)
- McGee Group Ltd v Galliford Try Building Ltd [2017] EWHC 238 (TCC)
- Larkfleet Ltd v Allison Homes Ltd [2016] EWHC 195 (TCC)
- Accolade Wines v Volkerfitzpatrick (2) Volkervessels (3) Goodman (4) Keller (5) Twintec (6) GJ3&4
- Greenwich Millennium Village Ltd v Essex Services Group Plc [2014] EWCA Civ 960 (CA)

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- Greenwich Millennium Village Ltd v Essex Services Group Plc [2014] EWHC 1099 (Costs) (TCC)
- Greenwich Millennium Village v Essex Services Group and Others [2014] EWHC 1099 (TCC), [2014] TCLR 4, [2013] 3059 (TCC), 151 Con LR 1
- SABIC (UK) Petrochemicals Limited v Punj Lloyd Limited [2013] EWHC 3202 (TCC)
- Liberty Mercian Ltd v Cuddy Civil Engineering Ltd EWHC 2688 (TCC)
- Carillion Construction Ltd v Stephen Andrew Smith EWHC 2910 (TCC)
- AMEC Group Ltd v Thames Water Utilities Ltd EWHC 419 (TCC)
- Amec Group Ltd v Universal Steels (Scotland) Ltd [2009] BLR 357 (TCC), [2009] EWHC 560 (TCC), 124 Con LR 102
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd 1 Costs LR 55, [2008] 122 Con LR 88
- Steria Ltd v Sigma Wireless Communications Ltd 118 Con LR 177, [2008] BLR 79 TCC, [2007] EWHC 3454 (TCC), [2008] EWHC 3454 (TCC), and [2008] CILL 2544
- ERDC Group Ltd v Brunel University EWHC 687 (TCC), [2006] CILL 2348 and BLM Vol.23 No.6
- Capital Structures plc v Time & Tide Construction Ltd CILL 2345
- Capital Structures plc v Time & Tide Construction Ltd All ER (D) 98, [2006] BLR 226 TCC, [2006] EWHC 591 (TCC), [2006] CILL 2345 and [2006] BLM Vol.23 No. 410 TCC
- Interserve Industrial Services Ltd v Cleveland Bridge UK Ltd All ER (D) 49 TCC
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd 107 Con LR 1 TCC
- Capital Structures plc v Time & Tide Construction Ltd BLM Vol. 23 No. 410 TCC
- Alfred McAlpine Capital Projects Ltd. v. SIAC Construction (UK) Ltd BLR 139 TCC
- Alfred McAlpine Capital Projects Ltd v SIAC Construction EWHC 3139 (TCC); [2006] BLR 139; 105 Con LR 73
- L Brown & Sons v Crosby North West Homes All ER (D) 63 TCC and [2005] EWHC 3503 (TCC)
- Briggs & Forrester Electrical v Governors of Southfield School for Girls BLR 468 TCC
- McAlpine PPS Pipeline Systems v. Transco BLR 352
- McAlpine PPS Pipeline Systems Joint Venture v Transco plc 96 Con LR 69 TCC
- Tesco Stores Ltd v Costain Construction Ltd CILL 2062 TCC
- Baldwins Industrial Services plc v Barr Ltd CILL 1949 TCC
- Fence Gate Ltd v NEL Construction Ltd 82 Con LR 41 TCC
- Rainford House Limited v Cadogan Limited BLR 416, [2001] EWHC 18 (TCC), [2001] EWHC Technology 18, and [2001] NPC 39
- Fastrack Contractors Limited v Morrison Construction Limited BLR 168, 75 Con LR 33 and [2000] EWHC Technology 177

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- Lobb Partnership v Aintree Racecourse Company Limited BLR 65
- Davies Middleton & Davies Limited v Toyo Engineering Corporation 85 BLR 59 and [1997] EWCA Civ 2318

Other information

Education & Professional Career

- Public Access Training, 2015
- Dispute Resolution Board Member
- Arbitrator
- TECBAR Accredited Adjudicator
- Queen's Counsel, 2009
- Appointed Treasury Counsel (B-panel 5-10 years call), 2002-2008
- Keating Chambers 1992
- Called to the Bar (Inner Temple), 1991
- MA in Jurisprudence, Worcester College, Oxford 1989

Additional Information

Simon Hargreaves KC is married with three daughters, lives in West London and enjoys skiing and diving.

Memberships

- Technology and Construction Bar Association (TECBAR)
- Professional Negligence Bar Association (PNBA)
- Society of Construction Law (SCL)
- Society for Computers and Law (SCL)

Seminars & Publications

- Simon Hargreaves offers further analysis of the recent House of Lords' decision in Melville Dundas Ltd v George Wimpey UK and the potential implications of Lord Hoffmann's 'broad view' 21st August 2007.

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- Assistant Editor, Construction Law Yearbook 1994, 1995 and 1996.
- Editorial team, Keating on Building Contracts 7th edition 2001.

Simon Hargreaves KC has presented seminars to TECBAR, TeCSA, Chartered Institute of Arbitrators, firms of solicitors and developers and contractors.

Recommendations

“Busy, friendly, double checks instructions, provides written advice notes very swiftly, sees the bigger picture, confident, and experienced.”

Construction, Legal 500 UK 2026

"I like his flamboyancy in court. He is a go-to for written advice."

Construction, Chambers & Partners UK Bar 2026

"Simon Hargreaves is very strong and client-friendly."

Construction, Chambers & Partners UK Bar 2026

"Simon Hargreaves is one of the best advocates of his generation."

Construction, Chambers & Partners UK Bar 2025

"His attention to detail is second to none and his ability to get his point across makes him one of my go-to advocates."

Construction, Chambers & Partners UK Bar 2025

"Simon Hargreaves' experience brings with it unique insights, which he is happy to share with his natural charisma and flair."

Construction, Chambers & Partners UK Bar 2025

"Simon is a very capable and safe pair of hands."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"He is tenacious and hard-working."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"Simon Hargreaves is engaging and friendly."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"Simon has a very agile brain and is very friendly and approachable. Simon has a punchy style of drafting which is effective."

Construction, Legal 500 UK Bar 2025

‘Simon is immensely knowledgeable, enthusiastic and hands-on. Great at getting stuck in and brings a calm authority. He is also terrific fun to work with.'

Construction, Legal 500 UK 2024

‘Simon in immensely knowledgeable, enthusiastic and hands-on. Great at getting stuck in and brings a calm authority. He is also terrific fun to work with.’

Professional Negligence, Legal 500 UK 2024

'Simon Hargreaves is just fantastic in court.'

Professional Negligence, Chambers UK Bar 2024

?‘Fantastic silk with great attention to the overall direction of the case. His quality of advice is always exceptional.’

Construction, Legal 500 UK 2023

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"He's exceptional. Extremely user-friendly with a strong work ethic."

Professional Negligence, Chambers UK Bar 2022

"A tough opponent."

Professional Negligence, Chambers UK Bar 2022

"His technical expertise is beyond doubt and among the best I have seen."

Construction, Chambers UK Bar 2022

"A very approachable silk with a keen eye for detail who will invariably pull out a new and often winning point."

Construction, Chambers UK Bar 2022

"Clear and robust opinions, and absolutely brilliant on his feet."

Construction, Legal 500 2022

"An absolute master of detail - so thorough and always a very smooth, charming and easy-to-listen-to advocate."

Professional Negligence, Chambers UK Bar 2021

"An incredibly efficient operator and gets into the detail to produce high-quality work under typically tight deadlines."

Construction, Chambers UK Bar 2021

"His cross-examination is thorough and incisive. He easily gains clients' confidence and is a real team player."

Professional Negligence, Legal 500 2021

"Simon is always impressive and a joy to work with. He has outstanding experience on PFI disputes."

Construction, Legal 500 2021

"Hugely knowledgeable and insightful. He expresses himself with clarity and precision and is also excellent on tactical matters."

Construction, Chambers UK Bar 2020

"He is tough and very bright, and has got a very nice approach in court."

Professional Negligence, Chambers UK Bar 2020

"Meticulous and very thorough in his analysis."

Construction, Legal 500 2020

"Has a brain the size of a planet; he just knows everything. We really respect him and trust his advice."

Construction, Chambers UK Bar 2019

"Simon is excellent: user-friendly, great with clients and experts, approachable and a strategic thinker."

Construction, Chambers UK Bar 2018

"Detailed, comprehensive and practical advice delivered in a user-friendly manner for both solicitors and clients."

Construction, Chambers Global 2018