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PETER BROGDEN

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Areas of practice

- Construction & Engineering
- IT & Technology
- Energy & Natural Resources
- International Arbitration
- PFI/PPP
- Commercial
- Infrastructure & Utilities
- Offshore & Marine Engineering
- Professional Negligence

Clerks' Details

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Practice overview

Often the junior of choice for high-stakes, technical litigation, Peter is a highly-regarded construction and engineering barrister who, over the last ten years, has developed a successful practice at Keating Chambers.

Known for his forceful advocacy, commercial insight and friendly, hands-on approach, Peter deals with the full spectrum of construction, energy, shipbuilding and technology disputes.

He has extensive experience of complex and high-value commercial litigation and international arbitration (including ICC, LCIA, LMAA, UNCITRAL, CIMAR and ad hoc arbitrations) seated in various different jurisdictions around the World.

Peter is the Treasurer of the TECBAR, an accredited panel adjudicator, and a contributing author of Keating on Offshore Construction and Marine Engineering Contracts (2nd Edition).

Recent work includes:

- Representing a Korean joint venture in a \$600 million dispute about a power station in the Middle East.
- Represented a Hong Kong consultancy in a HK\$37m domestic arbitration with a Chinese bank.

- Instructed by a Singaporean buyer in an LMAA arbitration with a Chinese yard concerning an offshore platform support vessel.
- Acting for a large Italian energy contractor against a Lebanese subcontractor in a €246 million dispute relating to welding defects in an Algerian pipeline.

Recent Cases

International Arbitration

- Acted for a large Italian energy contractor against a Lebanese subcontractor in a €246 million dispute relating to welding defects in an Algerian pipeline.
- Represented a Korean joint venture in a \$600 million dispute about a power station in the Middle East.
- Instructed by a Singaporean buyer in an LMAA arbitration with a Chinese yard concerning an offshore platform support vessel.
- Represented a Malaysian joint venture on a \$300 million international arbitration relating to a Sudanese oil processing facility.
- Instructed in an \$11 million international arbitration on demobilisation rights for a semisubmersible oil drilling platform in Australia.
- Instructed to defend a major delay and defects dispute relating to a semi-submersible oil drilling platform constructed in South Korea.

“Very user friendly and hardworking.”

Legal 500 Asia Pacific 2019

Construction & Engineering

- Acted for a large Italian energy contractor against a Lebanese subcontractor in a €246 million dispute relating to welding defects in an Algerian pipeline.
- Represented a Korean joint venture in a \$600 million construction dispute about a power station in the Middle East.
- Junior counsel for Brookfield Multiplex in a £280 million dispute arising out of the construction of the Wembley Stadium.
- Instructed (as Junior Counsel to Peter Fraser QC) by Carillion and Balfour Beatty in a £242 million final account dispute for the East London Line reconstruction works.
- Acted for Amec plc in a substantial commercial adjudication relating to a Flue-gas desulfurization at a power station in Aberthaw.
- Acted for Galliford Try plc in a major TCC defects and professional negligence dispute relating to the Broadway Plaza shopping centre in Birmingham.
- Acted in a final account dispute for landscaping works to the London Olympic Park.
- Junior counsel in a five-week TCC trial relating to a series of joint-venture property development.
- Instructed in TCC proceedings against structural engineers (and a design and build contractor) concerning cracking to the warehouse floor of a flour mill.
- Regularly acts for British Telecommunication plc to secure land rights, recover fees under the New Roads and Street Works Act, and defend damages actions from landowners.

IT & Technology

- Instructed on behalf of Accenture plc in a £280 million software dispute with British Gas (GB Gas Holdings v Accenture).
- Represented a Hong Kong consultancy in a HK\$37 million domestic arbitration with a Chinese bank.
- Advised and drafted proceedings in an action to enforce a software distribution agreement for an anti-virus software product suite.
- Acted for an IT contractor in a web services procurement project for a central government agency.
- Advised a technology start-up company on cloud services contracts.

“A very capable junior with a busy international energy practice.”

Legal 500 UK Bar 2020

Energy & Natural Resources

- Acted for Amec plc in a substantial commercial adjudication relating to a Flue-gas desulfurization at a power station in Aberthaw.
- Instructed in an \$11 million international arbitration on demobilisation rights for a semisubmersible oil drilling platform in Australia.
- Represented a Malaysian joint venture on a \$300 million international arbitration relating to a Sudanese oil processing facility.
- Instructed to defend a major delay and defects dispute relating to a semi-submersible oil drilling platform constructed in South Korea.
- Instructed on behalf of a biomass contractor in a £4.5 million dispute about the construction of an anaerobic digestion plant in Cornwall.

PFI/PPP

- Instructed (as Junior Counsel to Marcus Taverer QC) by a PFI client in a fire-stopping claim from a UK hospital trust.
- Instructed by a hospital trust in relation to Availability Deductions under a PFI contract.
- Acted for a hospital trust in a construction dispute against a PFI contractor.

Commercial

- Instructed by HM Treasury Solicitor on behalf of the Ministry of Defence in the group litigation arising out of the series of British nuclear tests carried out in Australia and the South Pacific in the 1950s.
- Acted in a High Court dispute relating to the validity of a parent company guarantee.
- Acted in a professional negligence action against an architect for failure to progress works or obtain adequate planning permission.

Infrastructure & Utilities

- Represented Carillion in a £30 million dispute related to a bypass road in the south west of England.
- Junior counsel for Brookfield Multiplex in a £280 million dispute arising out of the construction of the Wembley Stadium.

- Instructed (as Junior Counsel to Peter Fraser QC) by Carillion and Balfour Beatty in a £242 million final account dispute for the East London Line reconstruction works.
- Acted for Amec plc in a substantial commercial adjudication relating to a Flue-gas desulfurization at a power station in Aberthaw.
- Regularly acts for British Telecommunication plc to secure land rights, recover fees under the New Roads and Street Works Act, and defend damages actions from landowners.

“An impressive and very capable junior with an eye for detail.”

Legal 500 2018 UK Bar

Offshore construction & Marine Engineering

- Instructed by a Singaporean buyer in an LMAA arbitration with a Chinese yard concerning an offshore platform support vessel.
- Instructed in an \$11 million LCIA arbitration on demobilisation rights for a semisubmersible oil drilling platform in Australia.
- Represented a Malaysian joint venture on a \$300 million international arbitration relating to a Sudanese oil processing facility.
- Instructed to defend a major delay and defects dispute relating to a semi-submersible oil drilling platform constructed in South Korea.

Professional Negligence

- Acted for Galliford Try plc in a major TCC defects and professional negligence dispute relating to the Broadway Plaza shopping centre in Birmingham.
- Instructed as sole counsel in three High Court claims relating to the negligent design of bathroom ‘pods’ in student accommodation at the Universities of Exeter, Nottingham and Kent.
- Instructed by a major contractor as sole counsel in a £9 million domestic arbitration relating to negligent design and workmanship defects in a residential home in Leeds.
- Acted in a professional negligence action against an architect for failure to progress works or obtain adequate planning permission.
- Defended an architect in a professional negligence and fee dispute claim relating to a luxury private development in Epsom.

Selected Reported Cases

- CIP Properties (AIPT) Ltd v Galliford Try Infrastructure Ltd [2015] EWHC 1345 (TCC); 160 Con LR 73.
- CIP Properties (AIPT) Ltd v Galliford Try Infrastructure Ltd [2015] EWHC 481 (TCC); [2015] BLR285; 158 Con LR 229; [2015] 2 Costs LR 363; [2015] CILL 3641.
- Butcher v Hill Partnerships Ltd [2015] EWHC 1703 (TCC)
- PHD Modular Access Services Ltd v Seele GmbH [2011] All ER (D) 69 (Sep).
- Windglass Windows Ltd v Capital Skyline Construction Ltd [2009] 126 ConLR 118, [2009] EWHC 2022 (TCC), [2009] All ER (D) 17 (Aug).

Education & Professional Career

Tenant, Keating Chambers	2008
Pupillage, Keating Chambers	2007
Bachelor of Civil Law (BCL), University of Oxford	2006
Bar Vocational Course, Nottingham Law School	2005
LLB Law Degree (First Class Hons), London School of Economics	2002
Software developer, Somerset County Council	2001

Memberships

Society of Construction Law (SCL)
Commercial Bar Association (COMBAR)
Technology & Construction Bar Association (TECBAR)
Society for Computers & Law (SCL)

Seminars, Publications & Papers

- Researcher, Keating on Construction Contracts 9th Edition (2012)
- Researcher, Keating on Construction Contracts 8th Edition, 1st Supplement