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## LUCY GARRETT KC

**Call:** 2001 / Silk: 2018

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### Areas of Practice

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

### Clerks' Details

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### Practice Overview

Lucy is "brilliant... and hugely energetic." She is "a brilliant advocate with a superb way of persuading judges," and "an exceptionally good operator who is easy to deal with and wears her enormous intellect lightly." "The clients love her and her work is always first class."

Lucy was called to the Bar in 2001 and was made Queen's Counsel in 2018. She has an impressive specialist practice in construction, engineering, energy and shipbuilding, with a particular focus on projects involving complex factual, technical and contractual disputes. Her practice includes claims for and against construction professionals in these sectors and project-related issues such as insurance, bonds and guarantees. Lucy also advises on and acts in adjudications, from referral stage to enforcement.

She is always in demand for her forceful advocacy, commercial approach and "stellar" intellectual ability, which has led to instructions in a series of high profile, high value disputes. She has extensive experience in the TCC and the Commercial Court in the UK, and in international arbitration including in civil code jurisdictions. She is familiar with international parties and tribunals.

Lucy was elected a Bencher of Gray's Inn in 2023 and was one of The Lawyer's "Hot 100" in 2021. She has been top ranked in Chambers & Partners, Legal 500 and Who's Who Legal in construction, energy, international arbitration and professional negligence for many years. She won Chambers & Partners' Construction Junior of the Year in 2013 and was nominated again in 2015. Lucy has also been nominated for the Diversity & Inclusion Outstanding Contribution award in 2023.

Lucy is the author of the Time and Termination chapters in the leading text in its field, Keating on Offshore Construction and Marine Engineering (2nd Edn, published September 2018), and is co-author of 'Litigation in the TCC'. In addition, she is co-editor of Keating on JCT Contracts and a contributor to Keating on Construction Contracts.

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## Recent Cases

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### Construction & Engineering

- Multiple major disputes arising out of cladding issues on apartment blocks, acting variously for residents, developers, contractors and members of the professional team.
- Acting for the employer in relation to a prestigious development procured on a construction management basis.
- Acting for a major engineering firm in relation to the design of three hospitals.
- Acting for an oil & gas major in relation to the expansion of a supergiant oil field.
- Acting for the D&B contractor against structural engineers in relation to a care home development
- Acting for the construction manager in in a series of disputes relating to a major commercial property development.
- Acting for a nuclear engineering firm in relation to supply of equipment to a nuclear power station.
- Commercial Court litigation in a shipbuilding dispute (amended SAJ form): the reported decision is now one of the leading cases on delay and the prevention principle.
- Multi-billion US\$ ICC arbitration relating to the construction of a hospital complex in Qatar.
- £100m plus high profile Cambridgeshire Guided Busway litigation in the TCC. This case was the first dispute on the NEC2 form to come to Court.
- Multi-million pound claim arising out of the Pinnacle project in the City of London.
- Multi-million AED DIAC arbitration arising out of the construction of Dubai airport (under UAE law).
- Acting for employers, contractors and subcontractors on many other final account disputes on UK and international projects.
- Numerous adjudications and enforcements representing employers, (sub)contractors and professionals including a number of reported cases on points of law, in particular the first post-Melville Dundas case and UoB v Dovehouse [2014] dealing with the requirements for challenging a final certificate.

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***“An absolute favourite - a dream to work with, the perfect client-facing counsel option, with frank, honest and insightful advice.”***

**Construction, Chambers & Partners UK Bar 2024**

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### Energy & Natural Resources

- Acting for an oil & gas major in relation to the expansion of a supergiant oil field.
- Acting for an oil & gas major in relation to the design and construction of a gas platform.
- Acting for the contractor in a dispute arising out of the construction of a solar farm.
- Acting for a contractor in a dispute arising out of the Dorset Visual Impact Project.
- Acting for a nuclear engineering firm in relation to supply of equipment to a nuclear power station (bespoke contract).

- Several separate LMAA arbitrations arising out of the termination of various drilling rigs, each involving disputes of several hundred million US\$ (amended SAJ form).
- Commercial Court litigation relating to the performance of a semi-submersible drilling rig and including issues of consequential loss (amended LOGIC form).
- Acting for reinsurers in cUS\$300m ICC arbitration involving a DSU claim relating to a hydroelectric power plant (FIDIC-based contract).
- Counsel for the engineers in an LCIA arbitration relating to the foundation design of a meteorological mast (LOGIC form).
- Acting for the employer in multi-million pound dispute arising out of the renovations of a gas terminal (amended LOGIC form).
- US\$200m ICC arbitration arising out of the construction of a desalination plant in Qatar.
- Multi-million euro TCC litigation relating to the decommissioning and dismantling of platforms in the North Sea (amended LOGIC form).
- Two major (US\$100m and US\$8m respectively) ICC arbitrations relating to the construction of the BTC oil pipeline.

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*“Lucy is an out-and-out star, a gifted legal mind and persuasive advocate who can cut through endless legal and technical complexities to get to what really matters.”*

Construction, Legal 500 UK Bar 2024

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#### Infrastructure & Utilities

- Acting for the contractor in a dispute arising out of the construction of a solar farm.
  - Acting for a contractor in a dispute arising out of the Dorset Visual Impact Project.
  - Various disputes arising out of the Crossrail project.
  - Acting for a nuclear engineering firm in relation to supply of equipment to a nuclear power station (bespoke contract).
  - Acting for reinsurers in cUS\$300m ICC arbitration involving a DSU claim relating to a hydroelectric power plant (FIDIC-based contract).
  - £100m plus high profile Cambridgeshire Guided Busway litigation in the TCC. This case was the first dispute on the NEC2 form to come to Court.
  - Multi-million US\$ ICC arbitration arising out of the construction of Qatar port (under Qatari law).
  - Multi-million dollar ICC arbitration arising out a desalination plant in Qatar (under Qatari law).
  - Multi-million AED DIAC arbitration arising out of the construction of Dubai airport (under UAE law).
  - Multi-billion dollar arbitration relating to the construction of the new metro in Dubai (under UAE law).
  - Numerous road and rail cases in the UK and internationally.
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*“Lucy is fierce but her advice is comprehensive and easy to follow. She is approachable and works well as part of the team. Solicitors pity the other side when they instruct Lucy.”*

### International Arbitration

- Acting for an oil & gas major in relation to the expansion of a supergiant oil field (bespoke contract).
- Acting for an oil & gas major in relation to the design and construction of a gas platform.
- Acting for a major engineering firm in relation to the design of three hospitals.
- Acting for a nuclear engineering firm in relation to supply of equipment to a nuclear power station (bespoke contract).
- Several separate LMAA arbitrations arising out of the termination of various drilling rigs, each involving disputes of several hundred million US\$ (amended SAJ form).
- Multi-billion US\$ ICC arbitration relating to the construction of a hospital complex in Qatar (under Qatari law).
- Multi-million US\$ ICC arbitration arising out of the construction of Qatar port (under Qatari law).
- Counsel for the engineers in an LCIA arbitration relating to the foundation design of a meteorological mast (under English law).
- Acting for reinsurers in cUS\$300m ICC arbitration involving a DSU claim relating to a hydroelectric power plant in Brazil (under Brazilian law).
- Multi-million dollar ICC arbitration arising out of a desalination plant in Qatar (under Qatari law).
- Multi-million AED DIAC arbitration arising out of the construction of Dubai airport (under UAE law).
- Multi-billion dollar arbitration relating to the construction of the new metro in Dubai (under UAE law).

### Offshore Construction & Marine Engineering

- Acting for an oil & gas major in relation to the expansion of a supergiant oil field.
- Acting for an oil & gas major in relation to the design and construction of a gas platform.
- Several separate LMAA arbitrations arising out of the termination of various drilling rigs, each involving disputes of several hundred million dollars (amended SAJ form).
- Dispute arising out of the sinking of a cruise ship.
- Multi-million dollar ICC arbitration relating to the performance of mega sea-going suction-cutter dredgers.
- Commercial Court litigation relating to the performance of a semi-submersible drilling rig and including issues of consequential loss (amended LOGIC form).
- Commercial Court litigation in a shipbuilding dispute (amended SAJ form): the reported decision is now one of the leading cases on delay and the prevention principle.
- Counsel for the employer in a technical shipping dispute arising out of a project for the design and construction of 30 ships.
- Counsel for the engineers in an LCIA arbitration relating to the foundation design of a meteorological mast (LOGIC form).
- Multi-million euro TCC litigation relating to the decommissioning and dismantling of platforms in the North Sea (amended LOGIC form).

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*“An absolute standout construction silk who approaches her work with great vigour and tenacity.”*

### PFI/PPP

- Acting for the independent certifier in relation to a social housing development.
- Acting for the D&B contractor against structural engineers in relation to a care home development.
- Acting for the Trust in a PFI dispute in relation to a hospital in the UK.
- Acting for a contractor in a PFI dispute in relation to a prison in the UK.
- Advising on multiple other PFI/PPP contracts.

### Professional Negligence

- Acting for a major engineering firm in relation to the design of three hospitals.
- Multiple major multi-party disputes arising out of cladding issues on apartment blocks, acting variously for residents, developers, contractors and members of the professional team.
- Acting for the D&B contractor against structural engineers in relation to a care home development.
- Acting for the construction manager in a series of disputes relating to a major commercial property development
- Acting for the D&B contractor in a dispute involving complex structural and geotechnical engineering issues
- Acting for a nuclear engineering firm in relation to supply of equipment to a nuclear power station.
- Counsel for the engineers in a dispute relating to the innovative foundation design of a meteorological mast.
- Acting for the employer in a high-value dispute relating to the design of factory processing equipment.
- Counsel for the architect in the *Walter Lilly v Mackay* litigation, originally involving seven parties. The reported decision on the dispute between the contractor and employer includes guidance on the law relating to delay and global claims.
- High profile multi-party multi-million pound litigation in the Guernsey High Court arising out of the Royal Chambers and Royal Terrace development, acting for the engineers.
- Counsel for the employer in a technical dispute involving a professional negligence claim against engineers and conflicts of law arising out of the construction of an oil platform.
- Numerous fees claims acting for architects, engineers and other construction professionals.

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*“An exceptionally good operator who is easy to deal with and wears her enormous intellect lightly.”*

Professional Negligence, Chambers & Partners UK Bar 2022

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### Selected Reported Cases

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- *Halsion Ltd v St Thomas Street Development Ltd* [2023] EWHC 2045 (TCC), [2023] 8 WLUK 31
- *Transocean Drilling UK Ltd v Providence Resources plc* [2015] 2 All ER (Comm) 557; [2015] BLR 190; 158 Con. LR 28

- University of Brighton v Dovehouse Interiors [2014] BLR 432; 153. Con. LR 147
- Adyard Abu Dhabi v SDS Marine Services [2011] BLR 384, 136 Con LR 190, (2011) 27 Const. LJ 594
- Cleveland Bridge (UK) Ltd v Whessoe-Volker Stevin Joint Venture [2010] BLR 415, 130 Con LR 159, (2010) 26 Const LJ 670, [2010] CILL 2876
- Clancy Consulting Ltd v Derwent Holdings Ltd & Ors [2010] EWHC 762 (TCC)
- Multiplex Construction (UK) Ltd v Cleveland Bridge UK Ltd [2010] CILL 2863, Court of Appeal
- Multiplex Construction (UK) Ltd v Cleveland Bridge UK Ltd [2010] EWCA Civ 139, Court of Appeal
- AMEC Group Ltd v Thames Water Utilities Ltd [2010] EWHC 419 (TCC)
- OSC Building Services v Interior Dimensions Contracts Ltd [2009] CILL 2688 TCC
- Multiplex Construction (UK) Ltd v Cleveland Bridge UK Ltd [2008] All ER (D) 04 (Oct), [2007] All ER (D) 358 CA
- Multiplex Construction (UK) Ltd v Cleveland Bridge UK Ltd [2008] 122 Con LR 88, [2009] 1 Costs LR 55
- Pierce Design International Ltd v Johnson [2008] 115 Con LR 110
- Multiplex Construction (UK) Ltd v Cleveland Bridge UK Ltd [2008] EWHC 2220 (TCC)
- P4 Ltd v Unite Integrated Solutions plc [2007] BLR 1 (costs)
- P4 Ltd v Unite Integrated Solutions plc [2006] BLM Vol.24 No.1 (trial)
- P4 Ltd v Unite Integrated Solutions plc [2006] BLR 150 (summary judgment)
- McGlinn v Waltham & others [2005] All ER 1126

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## Awards

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Benchers at Gray's Inn (July 2023)

Diversity and Inclusion Outstanding Contribution (2023)

The Lawyer Hot 100 (2021)

Nominated for Chambers & Partners Construction Junior of the Year (2015)

Chambers & Partners Construction Junior of the Year (2013)

Prince of Wales Scholar, Gray's Inn (2001)

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## Seminars, Publications & Papers

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- Co-author of Keating on Offshore Construction and Marine Engineering (1st and 2nd Edition)
- Co-editor of Keating on JCT Contracts [Looseleaf & CD-Rom]
- Contributor, Keating on Construction Contracts (current and previous Editions)
- Co-author of Litigation in the Technology and Construction Court (1st Edition)
- Contributor, The Technology and Construction Court by Mr Justice Coulson (1st Edition)
- Numerous seminars and papers

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## Additional Information

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Lucy enjoys reading. Her current recommendations are The Good Doctor by Damon Galgut, The Exhibitionist by Charlotte Mendelson and Mick Herron's marvellous Zoe Boehm thrillers. Sadly the 2019 and subsequent Reachers are to be avoided at all costs but all the previous ones remain excellent.

Lucy took a sabbatical from the Bar between June 2018 and December 2019 to work as Senior Advisor for the Tony Blair Institute for Global Change. She spent 18 months in Sierra Leone working closely with the Mayor of Freetown, the extraordinary Yvonne Aki-Sawyer OBE. Her blog describing her experiences is [here](#).