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VINCENT MORAN QC

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Areas of practice

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

Clerks' Details

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Practice overview

Vincent Moran is a leading QC whose practice covers a wide range of advocacy, advisory and drafting work related to construction, engineering, transport, energy and information technology disputes along with associated professional negligence and insurance matters (including policy coverage disputes).

Vincent has been involved in a number of high profile cases across his different areas of practice such as in relation to Crossrail, offshore wind farms, North Sea oil exploration equipment, PFI disputes, waste to energy power plant disputes, coal fired power station disputes and applications for the removal of arbitrators, including the Cofely case.

In the past he has also been instructed on the new Hong Kong airport, the Gerrard's Cross tunnel collapse, the refurbishment of the Wimbledon Lawn Tennis complex, the Wembley Stadium dispute, the Walter Lilly case, the London Transport Oyster Card upgrade, the Barking Power Station dispute, the Tinsley Viaduct case, the Channel Tunnel Rail Link and Crossrail.

His personal advocacy experience covers most tribunals in the country, including the High Court (mainly, but not exclusively, the Technology and Construction Court), the Court of Appeal, arbitrations, DABs, adjudications and professional disciplinary boards.

He has also appeared in the House of Lords in one of the most important commercial cases of the last 20 years (SAAMCO). He has been retained in disputes arising under most standard form contracts used in substantial projects (including the JCT standard forms, ICE, NEC, IChemE and FIDIC forms) and is also regularly instructed in domestic and international arbitrations (including ICC, LCIA, DIAC, SIAC and HKIAC arbitrations), DABs adjudication work and has extensive experience in alternative dispute resolution in the UK including many high value claims using mediation.

Recent Cases

International Arbitration

- Acting as leading counsel for a main contractor in a number of major arbitral disputes (£1bn) with its employer and subcontractors connected with a coal fired power station in SA.
- Acting as leading counsel for the HK Government in a final account dispute with a contractor in relation to a desalination plant.
- Acting for an offshore contractor in a \$100m pipeline dispute in an LCIA arbitration.
- Acting as leading counsel in Dubai for the employer in a \$250m dispute relating to a road project in Afghanistan.
- Acting as leading counsel in an arbitration at the HKIAC regarding the development of a commercial property in Hong Kong.
- Acting as leading counsel and leading a 5 counsel team in a Euro 120m offshore windfarm ICC arbitration concerned with defects, delay and termination issues.
- Representing the employer as leading counsel in a £350m claim in an LCIA arbitration concerned with defects and project delay in an offshore wind farm.
- Representing a piling contractor as leading counsel in an arbitration in Hong Kong connected with a \$HK100m final account dispute with the developer of a high rise residential development.
- Acting for the main contractor in a £50m claim in Dubai connected with the planning, design and construction of a canal.

“Clever, responsive and modern in his service delivery.
He is understated but highly effective in cross-
examination.”

Chambers UK Bar 2020

Construction & Engineering

- Acting as leading counsel for a main contractor in a £100m power station dispute in the TCC.
- Acting as leading counsel in a £130m TCC claim and 7 party dispute arising out of the construction of a hospital in UK.
- Acting as leading counsel for a piling sub-contractor in a preliminary issue hearing in a £20m dispute on an issue of contract formation in TCC.
- Acting as leading counsel for a contractor in a £20m dispute under an EPC contract for a waste to energy plant in a TCC action.
- Acting as leading counsel for a foreign state in a \$200m dispute over termination of a FIDIC contract to construct a major road network.
- Acting as leading counsel for a contractor in successfully applying to remove an arbitrator for apparent bias.
- Acting as leading counsel for an arbitrator in successfully resisting an application to be removed for serious irregularity/bias.
- Acting as leading counsel for the owner claimant in a £15m TCC defects claim arising out of water ingress to the well known Brunswick Centre in Central London.
- Acting as leading counsel for a design and build contractor in a Part 8 claim against its sub-consultant in the TCC.
- Acting as leading counsel in a £10m claim in respect of allegedly defective drilling plant for use on an offshore

drilling vessel in the North Sea.

- Acting as leading counsel in a £20m arbitration arising out of the Olympics.
- Acting as leading counsel for a manufacturer of gas pipework in a complex £5m claim involving 5 parties in the TCC connected with defects, delays and cost overruns experienced in a residential housing development.
- Acting as leading counsel in a £5m claim for main contractor in development of a new town outside Cambridge.
- Acting as leading counsel for a main contractor in a major £20m fire claim connected with a main London hospital.
- Representing a maintenance contractor in a multi party £15m claim in the TCC connected with defective air conditioning systems in a major commercial development.

“He is excellent and really great to deal with. He is really responsive and able to grasp the brief and articulate his thinking really quickly.”

Chambers UK Bar 2020

Energy & Natural Resources

- Acting as leading counsel for a main contractor in a £100m power station dispute in the TCC.
 - Acting for an offshore contractor in a \$100m pipeline dispute in an LCIA arbitration.
- Acting as leading counsel for a contractor in a £20m dispute under an EPC contract for a waste to energy plant in a TCC action.
- Representing a developer/employer chemical company in a complex £10m claim in the TCC with the supplier/manufacturer of power plant.
 - Acting as leading counsel in arbitration of a €50m offshore wind farm dispute concerned with defects, delay and termination issues connected with the project.
 - Representing the employer as leading counsel in a \$500m arbitration claim concerned with defects and project delay in the UK's largest offshore wind farm.
 - Acting for the designer of a wave gate to a harbour in a £5m claim brought by its employer.
 - Acting for Barking Power Station in a dispute connected with the defective design and construction of turbines.
 - Acting for the supplier of North Sea oil exploration equipment in a dispute with an exploration company.
 - Acting for one of the UK's largest chemical companies in a dispute connected with the design and construction of a major boiler plant for the supply of steam for manufacturing processes.

“As an advocate, he controls proceedings from start to finish, and brings a calm and confident authority to hearings.”

Chambers UK Bar 2020

PFI/PPP

- Acting as leading counsel for main contractors and service provider in a £18m dispute regarding deduction in respect of alleged fire stopping defects in a hospital project.
- Acting as leading counsel for a local authority in a dispute over service payments under a PFI/ PPP arrangement in connection with a leisure centre.
- Advising on adjustments, the extent of service obligations and payment entitlement under a PFI contract in connection with the construction of a new hospital in the Midlands.
- Representing a main contractor in an adjudication arising out of a dispute with the Project Company in connection with the redevelopment of a hospital in London.
- Advising a main contractor in a claim for termination and further payment under a PFI contract connected with a hospital development.
- Advising and representing an M&E sub-contractor in a delay claim made by a main contractor arising out of a PFI hospital development.
- Advising and representing a major UK contractor in a series of adjudications in connection with a number of issues connected with large disputes (regarding a building contract and payment entitlement) arising out of two major PFI projects connected with the design and construction of two hospitals.
- Advising and representing an owner/employer Police Authority in a TCC action and dispute arising out of a PFI project to design and construct a new Police Headquarters and associated facilities.

Professional Negligence

- Representing the architect in a major £70m claim in TCC from a commercial property developer, involving 7 parties.
- Representing the architect defendant in a £10m TCC claim arising out of fire damage to a block of flats allegedly caused by alleged inadequate fire stopping construction and design by 1st defendant.
- Representing an architect defendant in a multi party dispute arising out of the design and construction of the new (High Court) Rolls Building.
- Representing the main contractor for Wembley stadium in a £250m TCC claim for negligence against structural engineers.
- Representing a private individual employer in a TCC action concerning responsibility for obtaining planning consents and related extension of time and lost and expense in a prestigious private residential project.
- Acting as leading counsel for an architect in a £10m claim by a main contractor arising out of a major residential development.
- Acting for the designer of a wave gate to a harbour in a £5m claim brought by its employer.
- Acting for a design and build contractor in a Part 8 claim against its sub-consultant in the TCC in connection with the design of a waste to energy plant.
- Acting for an engineer in a TCC action in a £5m claim connected with a 3 way dispute between the engineer, the client and the contractor arising out of the termination of a building contract for the construction of a leisure centre.
- Acting for an M&E consultant in a £20m claim for damages for negligence in the design and construction of systems for a new-build hospital development.

“Provides the best level of service and quality of work.”

Legal 500 UK 2020

- Acting for an architect defendant in a £5m TCC claim for negligence arising out of a prestigious residential development in Kensington.
- Representing an architect defendant in a TCC claim arising out of the development of The Wimbledon Tennis Club.
- Representing a developer claimant in a TCC action seeking damages against its contract administrator.
- Representing an M&E sub-contractor defendant in a negligence action arising out of the new Imperial War Museum development.
- Representing a defendant project manager in a major TCC negligence action connected with a commercial development in Birmingham.
- Representing a defendant engineer in a major TCC negligence action connected with subsidence of a residential housing development.
- Advising a commercial claimant in a TCC action for professional negligence in connection with the design and construction of a warehouse facility.
- Acting for a solicitor defendant in a TCC action for alleged professional negligence connected with the conduct of a construction arbitration.

Infrastructure & Utilities

- Acting as leading counsel for a main contractor in a £100m power station dispute in the TCC.
- Acting as leading counsel for a contractor in a £20m dispute under an EPC contract for a waste to energy plant in a TCC action.
- Acting as leading counsel for a foreign state in a \$200m dispute over termination of a FIDIC contract to construct a major road network.
- Advising and representing the developer/employer (Union Railways Limited) in various disputes connected with the Channel Tunnel Rail Link project and NEC form of contract (phases 1 and 2).
- Advising and representing Union Railways Limited in a major claim in adjudication relating to losses/extra costs connected with the water proofing of a tunnel under the Thames and cost disallowance disputes under an NEC type contract.
- Acting for a sub-contractor against the main contractor in a large domestic arbitration connected with the construction of two roll on roll off vessels for the MOD.
- Representing an owner/employer railway company claimant in a major arbitration arising out of the collapse of bridge and supermarket construction on the Chiltern Railway line.
- Representing a main contractor in a large adjudication dispute arising out of painting and strengthening work to the Tinsley viaduct.
- Representing a main contractor in a major claim in arbitration by a sub-contractor for wrongful termination/repudiation of a major IT contract – i.e. the Oyster card system on the London Underground.

“Very good - he understands strategy and the bigger picture, which not all barristers do.”

Chambers UK Bar 2018

Offshore Construction & Marine Engineering

- Acting for an offshore contractor in a \$100m pipeline dispute in an LCIA arbitration.
- Acting as leading counsel and leading a 5 counsel team in a €120m offshore windfarm ICC arbitration concerned with defects, delay and termination issues.
- Representing the employer as leading counsel in a £350m claim in an LCIA arbitration concerned with defects and project delay in an offshore wind farm.
- Acting as leading counsel in a £10m claim in respect of allegedly defective drilling plant for use on an offshore drilling vessel in the North Sea.
- Acting for the designer of a wave gate to a harbour in a £5m claim brought by its employer.

IT & Technology

- Representing main contractor in major claim in arbitration by sub-contractor for wrongful termination/repudiation of a major IT contract – i.e. the Oyster card system on the London Underground.

Selected Reported Cases

- Standard Life Assurance Co Ltd v Gleeds (UK) and others [2021] EWHC 2081 (TCC), [2021] 4 WLR 117
- Balfour Beatty Regional Construction Ltd v Van Elle Ltd [2021] EWHC 794 (TCC)
- Clin v Walter Lilly [2021] EWCA Civ 136, [2021] 1 WLR 2753, 184 Con LR 34, [2021] BLR 126
- Standard Life Assurance Ltd v Gleeds & others [2020] EWHC 3419
- Energy Works (Hull) Ltd v M+W High Tech Projects UK Ltd [2020] EWHC 2537, [2020] BLR 747
- Energy Works (Hull) Ltd v M+W High Tech Projects UK Ltd [2020] EWHC 2133, [2020] 6 WLUK 46
- University of Warwick v Balfour Beatty Group Ltd [2018] EWHC 3230, [2019] BLR 138, 182 Con LR 158
- Walter Lilly & Co Ltd v Jean Francois Clin (CA) [2018] EWCA Civ 490, [2018] BLR 321, 177 Con LR
- Celtic Bioenergy Ltd v Knowles Ltd [2017] EWHC 472, [2017] Lloyd's Rep 495, [2017] BLR 312, [2018] 1 All ER (Comm) 608
- Halcrow Group Ltd v Blackpool Borough Council [2016] EWHC 3596, 172 Con LR 224
- Walter Lilly & Co Ltd v Jean Francois Clin EWHC 357 (TCC); [2016] BLR 247, [2016] LTL 3/3/2016
- Cofely Ltd v Anthony Bingham and Knowles Ltd [2016] EWHC 240 (Comm); [2016] LTL 24/2/2016; [2016] 2 All ER (Comm) 129; [2016] BLR 187; 164 Con LR 39; [2016] CILL 3801
- Mw High Tech Projects UK Ltd v Biffa Waste Services Ltd [2015] EWHC 949 (TCC); LTL 14/6/2015; [2015] 1 CLC 449; [2016] 2 All ER (Comm) 129; [2016] BLR 187; 164 Con LR 39; [2016] CILL 3801
- Mw High Tech Projects UK Ltd v Haase Environmental Consulting GmbH [2015] EWHC 152 (TCC); LTL 24/2/2015; 158 Con LR 260
- Westshield Civil Engineering Ltd v Westshield Ltd and Buckingham Group Ltd [2013] EWHC 1825 (TCC); 150 Con LR 225; [2013] CILL 3395; [2013] 28 EG 85; [2013] 163 (7568) NLJ
- PDR Construction Ltd v Floortex Ltd & others [2008] LTL 23/2/09
- Phee Farrar Jones Ltd v Connaught Mason Ltd [2005] CILL 2005 TCC, [2003] 4 WLUK 627
- OTV Birwelco Ltd v Technical & Guarantee Co Ltd [2002] 4 All ER 668; (2002) 2 All ER (Comm) 1116; (2002) 2 BCLC 723; (2002) 84 Con LR 117
- Barry v Davies (CA) [2000] 1 WLR 1962, [2001] 1 All ER 944, [2000] EGLR 7
- SMC Engineering (Bristol) Limited v Fraser (CA) [2000] Lawtel 02/11/2000
- Fallon v Shell (Uk) Ltd [1999] LTL 29/10/2001, [2000] 12 WLUK 376
- South Australia Asset Management Corporation v York Montague Limited (HOL) [1997] AC 191, [1996] 3 WLR 87, [1996] 3 All ER 365
- United Bank of Kuwait v Prudential Property Services Limited (CA) [1995] 11 WLUK 434, [1995] EG 190
- Banque Bruxelles Lambert SA v Eagle Star and others (CA) [1995] QB 375, [1995] 2 WLR 607, [1995] 2 All ER 769
- Holt v Payne Skillington & De Groot Collis [1995] 77 BLR 51; 49 Con LR 99; [1996] PNLR 179
- United Bank of Kuwait v Prudential Property Services Limited [1994] EGLR 100

Education & Professional Career

MA in History, Clare College, Cambridge	1987
Certified Diploma in Accounting and Finance	1988
First National Bank of Chicago	1987-1989
Diploma in Law, City University (Distinction)	1990
Called to the Bar (Gray's Inn)	1991

Prize for 3rd place in Bar Vocational Course, Gray's Inn	1991
Public Access Training	2008
Recorder	2010
Silk	2011
Bencher of Gray's Inn	2016

Memberships

Technology and Construction Bar Association (TECBAR), Commercial Bar Association (COMBAR), Professional Negligence Bar Association (PNBA), and Society for Construction Law (SCL)

Seminars, Publications & Papers

- Contributor to Keating on Construction Contracts - Tenth Edition (2016).
- Article: "Causation in Construction Law: The demise of the 'dominant cause' test." (June 2014).
- Contributor to Keating on Construction Contracts - Ninth Edition (2012) (Author of new chapters on causation, delay and extensions of time).
- Keating on JCT Contracts [Looseleaf & CD-Rom] Member of Editorial Team 2006-2009.
- Editor of Chitty on Contracts - 29th, 30th and 31st Edition (Chapter on Construction Law).
- Author, Chapter on the Law of Tort for Architects Legal Handbook (2009 Butterworths).
- Editor, Butterworths Professional Negligence Service (1999). (Author of Chapters on Surveyors' negligence, tortious duties to clients and contributory negligence).