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IAN PENNICOTT QC

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Areas of practice

- Construction & Engineering
- Professional Negligence
- Energy & Natural Resources
- PPP/PFI
- Arbitration & Adjudication Appointments

Clerks Details

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Practice overview

Ian Pennicott QC's practice covers a broad spectrum of advisory and advocacy work related to construction, engineering, energy, technology, mining, process plant and insurance disputes, along with professional negligence claims involving architects, engineers and surveyors. He also advises on alternative dispute resolution, and has been active in adjudication in the UK (as advisor, advocate or adjudicator) and arbitrations in the UK, Hong Kong, Singapore and Korea (as advocate or arbitrator). Ian has particular experience in claims relating to off-shore oil and gas assets, railway infrastructure, power station construction, environmental and regulatory work and shipbuilding contracts.

Ian has recently acted for clients in disputes concerning large infrastructure projects in Hong Kong, large scale commercial and residential developments in Hong Kong, a complex power station project in Vietnam, a chemical plant dispute in Indonesia and a mining dispute in Mongolia. He has also recently appeared at a well-publicised public inquiry in Hong Kong concerning the investigation of levels of lead in potable water at Housing Authority developments. He is currently Counsel to the Commission in another construction related public inquiry in Hong Kong. Ian continues to be instructed on a number of other substantial matters in Hong Kong as well as other mainstream construction and engineering work in Hong Kong. His clients include the Government of the Hong Kong SAR, the Hong Kong Housing Authority, MTRC, tertiary educational establishments, numerous listed and privately owned companies (developers, joint ventures, main contractors, sub-contractors and plant hirers), various Incorporated Owners and insurance companies.

Between 1984 and 1989, Ian practised as a barrister in Hong Kong (from what is now Des Voeux Chambers). From 1990 to 2010 he was in full time practice in London at Keating Chambers. He was appointed Queen's Counsel in 2003. In June 2010 Ian re-joined Des Voeux Chambers on a full-time basis, although he retains his status as an International Tenant at Keating Chambers. He was appointed Senior Counsel in Hong Kong in 2014 and is a Bencher of the Middle Temple.

Recent Cases

Arbitration and Adjudication Appointments

- Appointed Sole Arbitrator in an international arbitration relating to the construction of a water treatment plant in the Middle East.
- Appointed Sole Arbitrator in a professional negligence dispute relating to a large-scale residential development in Hong Kong.
- Appointed by HKIAC as Sole Arbitrator in Main Contractor/Sub-Contractor dispute in Hong Kong.
- Party appointed arbitrator in SIAC administered international arbitration concerning a development in Mongolia.
- Appointed by HKIAC as Sole Arbitrator (after listing procedure) in a dispute concerning desalination units in the Middle East.
- Party appointed arbitrator in LMAA international arbitration concerning a Semi-Submersible Drilling Unit.
- Ad hoc appointment as Sole Arbitrator in an Employer/Main Contractor dispute.
- Appointed as President of ICC Tribunal in an arbitration concerning a project in Korea.
- Appointed by HKIAC as Sole Arbitrator in a Sub-Contractor/Main Contractor dispute.
- Appointed by HKIAC as Sole Arbitrator in two related arbitrations between a Sub-Contractor and Main Contractor concerning a Macau development.
- Appointed by SIAC as Chairman of a Tribunal in a dispute between a Main Contractor and a Government.
- Appointed by the ICC as Sole Arbitrator in an international arbitration concerning a mixed development in Singapore.
- Party appointed arbitrator in an international arbitration governed by UNCITRAL Rules 2013 concerning a power plant project in Pakistan.
- Appointed (by agreement of the parties) as Sole Arbitrator in a Sub-Contractor/Main Contractor dispute concerning an MTRCL project in Hong Kong.

Construction & Engineering

- Acted for the developers of a large scale mixed use commercial and residential complex in multiple arbitration proceedings against the main contractor.
- Acted for a sub contractor on its claims against the main contractor relating to the construction of Wembley Stadium.
- Representing the Hong Kong Housing Authority in a substantial 'short piling' dispute in Hong Kong concerning residential tower blocks.
- Acted for a University in relation to contracts concerning extensive new student accommodation.
- Advising a local authority in relation to its term maintenance contracts.
- Acted for the residents of two residential blocks in London in a defects claim against the main contractor.
- Acted for a UK plc in disputes concerning a complex and specialist infrastructure project in Thailand.
- Acted for the Hong Kong SAR Government in a large scale infrastructure project in arbitration proceedings against a main contractor.
- Acted for a Japanese/Swiss/Vietnamese Joint Venture in disputes concerning two power stations in Vietnam.
- Acting for the Hong Kong Housing Authority on a mixed user development.
- Advised a subsidiary of a well known Hong Kong company in relation to disputes concerning cable laying in and across Hong Kong harbour.

- Acting for a subsidiary of a well known Hong Kong company in relation to disputes concerning quarrying rights.
- Acted for a Hong Kong developer in a dispute with a piling contractor following termination of the contract.
- Acting for an Incorporated Owner in relation to defects in a large scale residential development in Hong Kong.
- Acting for international joint venture on large scale bridge development in Hong Kong.

“The judges like and trust him throughout the various jurisdictions where he appears”

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Professional Negligence

- Representing a ferry operator in a dispute with a shipbuilder concerning defects in a passenger carrying vessel.
- Representing a contractor in a dispute with insurance brokers and engineers following the partial subsidence of an industrial building.
- Representing an architect in disputes with a contractor arising out of a design and build contract.

Energy & Natural Resources

- Advising in relation to an open cast mining dispute subject to arbitration proceedings.
- Advising the employer on Bond issues relating to upgrade works at a nuclear power station in the United Kingdom.
- Acted for a major US Corporation defending claims in the English Courts (Technology and Construction Courts) concerning alleged breaches of contract relating to the construction of a natural gas liquification plant in Africa.
- Advised the employer on contractual issues arising from a pipeline expansion project in the Far East.
- Acted for a Japanese engineering company in UNCITRAL arbitration proceedings over its claims against the main contractor relating to the construction of a desalination plant and water transmission scheme in Abu Dhabi involving the FIDIC Contract and Sub-Contract.
- Advising a French oil company on disputes arising in Nigeria.

PPP/PFI

- Advising an educational establishment on a PFI project.

*“Constant availability despite the time difference”
and his “formidable talent in examination.”*

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Selected Reported Cases

- *Scobie v Fairview Land Ltd* [2008] EWHC 147 Lawtel TCC
- *CFW Architects v Cowlin Construction Ltd* [2006] CILL 2335 TCC
- *Edmund Nuttall Ltd v RG Carter Ltd* [2002] BLR 312 and [2002] 82 Con LR 24 TCC
- *RG Carter Ltd v Edmund Nuttall Ltd* [2002] BLR 232 TCC
- *Linden Homes South East Ltd v LBH Wembley Ltd* [2003] 87 Con LR 180 TCC
- *BICC Ltd v Parkman Consulting Engineers Parkman Consulting Engineers v Cumbrian Industrials Ltd* [2000] 78 Con LR 18 TCC (2001) 79 Con LR 112 CA [2002] BLR 64 CA
- *Ministry of Defence v Scott Wilson Kirkpatrick & Partners* [2000] BLR 20

Mr. Pennicott was also junior counsel in the well known cases of *Wharf Properties Ltd v Eric Cumine Associates* [1991] 52 BLR 1 and *Balfour Beatty Building Ltd v Chestermount Properties Ltd* [1993] 62 BLR 1.

Education & Professional Career

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| BA in Law, Kingston University | 1980 |
| LI.M., Corpus Christi College, Cambridge | 1981 |
| Called to the Bar (Middle Temple) | 1982 |
| Called to the Hong Kong Bar | 1984 |
| Practised at Hong Kong Bar | 1984 to date |
| Keating Chambers | 1989 to date |
| Queen's Counsel | 2003 |
| TECBAR Accredited Adjudicator | 2003 |
| Public Access Training | 2004 |
| Senior Counsel - Hong Kong Special Administrative Region | 2014 |

Memberships

Technology and Construction Bar Association (TECBAR)
Commercial Bar Association (COMBAR)
Chartered Institute of Arbitrators
Hong Kong International Arbitration Centre, Panel of Arbitrators
Society of Construction Law (UK and Hong Kong)

Seminars, Publications & Papers

- Consultant Editor (with Sarah Hannaford QC) of Halsbury's Fuel and Energy Volumes 19 (1) to (3) October 2007 and Consultant Editor (with Gideon Scott Holland) for the Energy and Climate Change titles (published in 2011)
- Consultant Editor of Halsbury's Cross-Country Pipelines Volume 39(1A)(February 2008)
- Contributor, Keating on Construction Contracts – Eighth Edition (2006) and first supplement (2008)
- Editorial team, Keating on Building Contracts (5th, 6th and 7th editions) and First Supplement to the 7th Edition (2003)

- Joint Editor Halsbury's Laws of England, Volume 4(3) Building Contracts (2002) and Consultant Editor of Building and Building Contracts, Volume 6 (2011)

Additional Information

Ian is a keen golf player and supporter of Southampton Football Club.