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## GIDEON SCOTT HOLLAND

Call: 1999

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### Areas of practice

- Construction & Engineering
- International Arbitration
- Professional Negligence
- Energy & Natural Resources
- PFI/PPP
- Property
- Adjudication
- Infrastructure and Utilities
- Dispute Boards

### Clerks' Details

**Declan Redmond**

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**James Luxmoore**

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### Practice overview

Recommended for his thorough approach and ability to get on well with clients and solicitors alike, Gideon's practice covers a wide range of advisory, drafting and advocacy work relating to standard form and bespoke construction contracts (including JCT, NEC3, ICE, FIDIC and ICHIME standard forms). He has advised and acted in professional negligence claims (including architects, engineers, surveyors and valuers) and in cases concerning process engineering, energy, PFI contracts, public procurement and nuisance. Gideon undertakes environmental work in civil and criminal jurisdictions, including statutory nuisance under the Control of Pollution Act 1974 and similar legislation. In terms of types of dispute, Gideon has particular experience of energy cases in relation to chemical process plants (including a large dispute relating to the production of plastics), desulphurisation plants (process engineering), waste to energy and technical engineering. He has also acted in a high value (£100m+) dispute in relation to a nuclear submarine.

Gideon regularly acts in domestic and international arbitrations (including those administered by the ICC) and in the High Court and county courts for both residential and commercial clients. He is regularly appointed as both sole and junior counsel. He has also acted for clients at all stages of the adjudication process: advising, drafting and representation at both adjudication hearings and in court for injunctions or enforcement. He also has substantial experience representing clients in the mediation of construction, engineering and energy disputes.

Gideon welcomes instructions via licensed access. He is familiar with working with electronic documents both in the disclosure process and in trial and is happy to receive instructions electronically.

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## Recent Cases

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### Construction & Engineering

- Acted for the claimant in relation to the formation of a contract and the incorporation of particular terms, including a limitation of liability provision.
- Acted for rail contractor in relation to dispute over rights under framework agreement with rail infrastructure body.
- Acted for householders in TCC professional negligence trial against contractor and engineer in relation to the collapse of a domestic property due to defective basement construction.
- Acted for Claimant/Respondent in TCC preliminary issue and Court of Appeal hearing relating to capacity of contracting party and agency.
- Appeared in TCC trial in relation to termination of contract for lack of due diligence in the design and construction of a low density polyethylene plant. Legal issues included identifying the test for breach of due diligence and the meaning and effect of bonds and guarantees.
- Acted for a main contractor in Part 8 proceedings in the TCC concerning payment provisions under the Housing Grants Act 1996 and the Late Payment of Commercial Debts (Interest) Act 1998.
- Acted in TCC and Court of Appeal litigation relating to the design, construction and process engineering of a waste water treatment plant.

### International Arbitration

- Acted in two ICC arbitration proceedings held in the UK relating to flue gas desulphurisation plants in UK power stations. Instructed on a direct professional access basis by a large Danish engineering firm.
- Acted for a local authority in an arbitration relating to the installation of a defective Audio Visual System.
- Acted in a long-running but confidential arbitration instructed by the Government Legal Department on behalf of a Government department.

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*“A very effective barrister: calm, analytical and thoughtful.”*

Chambers & Partners UK Bar Guide 2019

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### Professional Negligence

- Acted for the claimant in relation to the formation of a contract and the incorporation of particular terms, including a limitation of liability provision.
- Acting for engineering firm in relation to TCC dispute over the design and construction of a car park.
- Acting for employer in dispute with civil engineer over defective construction of residential property.
- Acted for householders in TCC professional negligence trial against contractor and engineer in relation to the collapse of a domestic property due to defective basement construction.
- Appeared in TCC trial in relation to termination of contract for lack of due diligence in the design and construction of a low density polyethylene plant. Legal issues included identifying the test for breach of due diligence and the meaning and effect of bonds and guarantees.
- Acting for Primary Care Trust in relation to defective piling claim against engineer.

## Energy & Natural Resources

- Acted in two ICC arbitration proceedings held in the UK relating to flue gas desulphurisation plants in UK power stations. Instructed on a direct professional/licensed access basis by a large Danish engineering firm.
- Acted for a UK water company in a TCC dispute relating to the performance of a new BAFF water treatment plant.
- Appeared in TCC and Court of Appeal litigation relating to the design, construction and process engineering of a waste water treatment plant.
- Acted for sub-contractor in relation to referral of dispute over unpaid sums and lack of payless notice on project for the construction of a biomass plant.
- Acted for solar energy contractor in relation to a dispute concerning the Renewable Energy Consumer Code and the Microgeneration Certification Scheme.
- Acted for the Secretary of State for Defence in a high value (£100m+) and long running dispute in relation to a nuclear submarine jetty.

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*“He is incredibly bright and his unassuming and collaborative approach make him a delight to work with.”*

Chambers & Partners UK Bar Guide 2019

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## PFI/PPP

- Acted in TCC litigation relating to the meaning and effect of a PFI contract for the design, construction and provision of facilities services for a new police headquarters in Kent.
- Advised in relation to dispute on meaning and effect of contract between rail operator and contractor.

## Property

- Acting for householder in relation to neighbour dispute over alleged easements, trespass and party wall infringements.
- Acted for householder in relation to dispute under Party Wall Act 1996.
- Advising restaurant in relation to nuisance (vibration and noise) issues, alleged breach of terms of lease and enforcement of alleged planning control breach under the Town and Country Planning Act 1990.
- Advising householder in relation to claim for damages for exposure to asbestos and for an abatement notice under the Environmental Protection Act 1990.

## Adjudication

- Acting for sub-contractor in relation to referral of dispute over unpaid sums and lack of payless notice on project for the construction of a biomass plant.
- Acted for contractor in an application in the TCC and CA for an injunction to restrain adjudication proceedings on the grounds that (i) the Referring Party had failed to comply with a previous adjudicator's decision; and (ii) the Referring Party was attempting to refer a dispute that was substantially the same as one previously referred and decided.
- Acted for employer in adjudication referral relating to defective construction work on residential property.
- Acted for contractor in a Part 8 action in the TCC for a declaration raising questions relating to the Unfair Contract Terms Act and whether a party's standard terms complied with the requirements of the Construction Act.

- Acted for employer in resisting enforcement proceedings in the TCC on the grounds of failure to serve the Notice correctly and breach of natural justice.
- Acted in TCC enforcement proceedings concerning allegations of bias and appointment of the same adjudicator in multiple adjudications without consent.

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*“Thoughtful and thorough, with very good all-round knowledge.”*

Legal 500 UK 2018

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#### Infrastructure & Utilities

- Acted for rail contractor in relation to dispute with rail infrastructure body.
- Acted in TCC and Court of Appeal litigation relating to the design, construction and process engineering of a waste water treatment plant.
- Acted for a UK water company in a TCC dispute relating to the performance of a new BAFF water treatment plant.

#### Dispute Boards

- Advised developer of the Shard and London Bridge Place in relation to issues arising during construction process.
- Acted for Secretary of State for Defence in relation to long-running dispute with contractor before dispute board.

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#### Selected Reported Cases

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- Arcadis Consulting (UK) Ltd v Amec (Bsc) Ltd [2016] EWHC 2509 (TCC)
- Goldswain and Hale v Beltec Ltd [2015] EWHC 556 TCC
- Matthew Harding (t/a MJ Harding Contractors) v Paice and another [2015] EWCA Civ 1231 (CA)
- Matthew Harding (t/a MJ Harding Contractors) v Gary George Leslie Paice and Kim Springall [2014] EWHC 3824 (TCC)
- SABIC (UK) Petrochemicals Limited v Punj Lloyd Limited [2014] EWCA Civ 1288 (CA)
- SABIC (UK) Petrochemicals Limited v Punj Lloyd Limited [2013] EWHC 2916 (TCC)
- Muneer Hamid (T/A Hamid Properties) v Francis Bradshaw Partnership [2013] EWCA Civ 470 (CA)
- Yuanda (UK) Ltd v WW Great Construction Ltd [2010] EWHC 720 (TCC), CILL 2849, BLR 435, 130 Con LR 133, TCLR 5, 1 CLC 491, Con LJ Vol 26 No 5 TCC
- Primus Build Ltd v (1) Pompey Centre Ltd (2) Slidesilver Ltd [2009] EWHC 1487 (TCC), BLR 437
- Roundstone Nurseries Ltd v Stephenson Holdings Ltd [2009] EWHC 1431 (TCC), [2009] 5 Costs LR 787
- Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Limited and another (no.6) [2008] EWHC 2220 (TCC)
- Yorkshire Water Services Ltd v Taylor Woodrow Construction Northern Ltd [2005] BLR 395 CA
- Mersey Docks Property Holdings v Birse Construction Ltd [2005] 99 Con LR 122 TCC
- Pring & St. Hill Ltd v CH Hafner [2004] Con LJ Vol. 20 No. 7 p.402 TCC
- Yorkshire Water Services Ltd v Taylor Woodrow Construction [2004] BLR 409 TCC
- Home of Homes Ltd v Hammersmith and Fulham LBC [2004] 92 Con LR 48 TCC
- Yorkshire Water Services Ltd v Taylor Woodrow Construction Northern Ltd (No.2) [2003] 90 Con LR 115 TCC

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## Education & Professional Career

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MA in Classics, Wadham College, Oxford	1996
Diploma in Law, City University	1998
Called to the Bar (Lincoln's Inn)	1999
Pupillage, Keating Chambers	1999-2000
Keating Chambers	2000
Trained Mediator	2006
TECBAR Adjudicator	2013

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## Memberships

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Technology and Construction Bar Association (TECBAR)  
Society of Construction Law (SCL)  
Commercial Bar Association (COMBAR)  
South Eastern Circuit Procurement Lawyers Association

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## Seminars, Publication & Papers

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Gideon Scott Holland has led seminars for major solicitors firms in London, in particular delivering papers on the contractor's duty to warn, adjudication and costs issues. He has also lectured on the changes to be implemented by the Local Democracy, Economic Development and Construction Act 2009 and delivered a webinar for Sweet & Maxwell on termination for lack of due diligence.

- Contributor, Income Taxation (Sub-contractors in the Construction Industry), Vol. 58 of Halsbury's Laws of England, 5th Edition (2014) with Tom Owen.
  - Contributor, Keating on Construction Contracts, First Supplement to the 9th Edition (2013), 9th Edition (2012) and First Supplement to the 8th Edition (2008).
  - Consultant editor, Energy and Climate Change, Vol. 42-44 of Halsbury's Laws of England, 5th Edition (2011) with Ian Pennicott QC.
  - Author, Contract Administration - RICS Case in Point Series (2007) with Calum Lamont.
  - Researcher, Keating on Construction Contracts - Eighth Edition (2006). and Keating on Building Contracts, First Supplement to the 7th Edition (2003).
  - Contributor, Building Contracts, Vol. 4(3) of Halsbury's Laws of England, 4th Edition (2002) with Ian Pennicott QC and Adrian Williamson QC.
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## Additional Information

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Amongst other interests, Gideon enjoys rock climbing, travel and the theatre.