

Keating Chambers
15 Essex Street
London
WC2R 3AA

DX: LDE 1045

T +44 (0)20 7544 2600
F +44 (0)20 7544 2700
keatingchambers.com

KEATING
CHAMBERS



SIMON HARGREAVES QC

Call: 1991 / **Silk:** 2009

shargreaves@keatingchambers.com

Areas of practice

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

Clerks' Details

Declan Redmond

T: +44 (0)20 7544 2616
E: dredmond@keatingchambers.com

Rob Cowup

T: +44 (0)20 7544 2750
E: rcowup@keatingchambers.com

James Luxmoore

T: +44 (0)20 7544 2769
E: jluxmoore@keatingchambers.com

Jessica Edson

T: +44 (0)20 7544 2658
E: jedson@keatingchambers.com

Practice overview

Simon Hargreaves QC was called to the Bar in 1991, served on the Attorney-General's Panel of Treasury Counsel from 2002 to 2008 and took Silk in 2009. He has spent his entire career in Keating Chambers specialising in disputes arising from construction, process engineering and process plant construction, civil, structural, mechanical and electrical and marine engineering, IT systems, transport, energy contracts, collapses, floods and fires. He specialises in all forums including litigation, arbitration, adjudication and ADR as well as relief concerning pre-action disclosure, summary judgment, interim payment, strike out, security for costs, arbitration applications, injunctions and bond applications.

Simon Hargreaves QC has been involved in a number of high profile cases across the different areas of his practice, principally construction, process engineering, civil, structural and marine engineering, fires, floods, construction professionals' negligence and IT disputes. In recent years he has been involved in claims arising from: Crossrail; several PFI contracts; desalination plant in Qatar; ferry terminal in Jordan; gold mining in Burkina Faso; flooding in the Greenwich Millennium Village; the Magna Park fire; turbine design for a nuclear power station; nuclear decommissioning; wind farm design and construction; the Chancery Lane Tube derailment in January 2003; the Gerrard's Cross tunnel collapse; the London Transport Upgrade (including Oystercard); claims arising on Wembley Stadium; bond and defects claims concerning the design and manufacture of a new commuter train; tunnelling disputes; North Sea and nuclear decontamination.

Simon Hargreaves QC has considerable experience of professional negligence claims and related insurance claims across all the areas of his practice, including claims for and against civil, structural and process engineers, geotechnical engineers, mechanical and electrical engineers, architects, asbestos professionals and contractors, project managers, quantity surveyors, IT consultants and costs consultants. Simon Hargreaves QC also acts as arbitrator and adjudicator.

Recent Cases

PFI experience

- Acting on a PFI dispute concerning an NHS Hospital Trust in relation to Unavailability, Emergency Situation, penalty and calculation of deductions.
- Acting for and advising Service Providers in relation to several street lighting and other infrastructure PFI contracts. The issues included: application of Adjustments retrospectively (derivation of date and time of Adjustments); calculation of adjustments; proper construction of Adjustments provisions; whether Adjustments amount to a penalty; validity of claims based on sampling; problems arising from informal Change; construing contractual provisions (Performance Standards) in relation to performance failures, update failures and reporting failures; application of good faith clause; proper construction of double-counting clause; proper construction of overpayment / wrongful deduction clause; analysis and construction of several Method Statements on a range of topics; issues concerning systems databases, updates and access; issues concerning monthly monitoring reports; application of equitable remedies; unconscionable clauses and unjust enrichment.
- Acting as Adjudicator in a dispute between an NHS Trust and a Service Provider arising from a PFI contract. The issues included: construction and application of Declarations of Unavailability; construction and application of Availability Charge Deductions; construction and application of Over-riding Clinical Reason; whether Availability Charge Deductions a penalty; construction and application of obligation to Vacate; Deductions caps; application of the obligation of good faith; construction and maintenance defects.
- He has recently advised the NHS Trust about a widespread latent building defect and its effect on the Availability Conditions and Deductions.

*“He has a charming advocacy style
which judges respond to.”*

Chambers UK Bar, 2015

Recent International Work

- ICC arbitration concerning petrochemical facility at Rabigh, Saudi Arabia, issues concerning RFISU, Milestones, delays, construction of interim agreement and change.
- Dispute concerning civil, utilities and erection sub-contract relating to Tankage Works project at Gas to Liquids facility at Ras Laffan, Qatar, issues concerning buyback clauses, contractual discretion, innominate terms.
- ICC arbitration concerning major plant in the Middle East, issues concerning delays and extensions of time, weather, design, prevention.
- FEED, EPC and PM contract for Dukhan Consolidated Facilities Upgrade Project, Qatar, issues concerning proper construction of payment provisions.
- Refurbishment of oil refinery plant in Russia, issues concerning delays, time at large, breaking down of contract machinery and technical issues as regards hydrocrackers.
- Subsea installation, hookup and precommissioning and project management in relation to the subsea well tieback to the Benguela and Belize Drilling and Production Platform, Lobito Tomboco Project, Angola, issues concerning supply of materials and relevant contractual rights and remedies.

- ICC arbitration in Hong Kong, issues concerning the upgrading and restringing of power lines across Papua New Guinea.
- LNG terminal in Peru, issues concerning breach of environmental protection requirement, defects, delays and extensions of time.
- Gold mining project in Burkina Faso, issues concerning project management, design, time, process plant defects and overspend on an EPCM contract.
- Advice in connection with a development in Grand Cayman, issues concerning M&E design, testing and commissioning.
- Grouted connection defects in North Sea wind farm, issues concerning DNV standards and certification.
- Advice in connection with offshore cryogenic containers, issues concerning DNV certification notes.

“His drafting work is precise and his advocacy calm but viciously effective”...“He is very much a member of the team and is prepared to get his hands dirty.”

Chambers UK Bar, 2014

Recent Domestic Work

- PFI Contracts – Street Lighting
- Term Contracts (Utilities) – valuation issues
- Tunnelling
- Oil and Gas Installations (including design, procurement and construction of refinery plant)
- Nuclear decontamination (Category 1 site)
- Wind Turbines – Grouted Connection Failures
- IT systems contracts, data centres, hosting services
- Warehousing, materials handling and distribution systems (publishers, record companies etc)
- Command and Control Systems (Fire and Ambulance)
- Water treatment works
- Process Plant (various) Storage vessels (land and sea)
- Sub-sea engineering
- Claims in contract and tort by and against developers, contractors, management contractors, sub-contractors and suppliers
- Quantum meruit claims
- Site investigation and geotechnical disputes
- Claims arising from developments on peat and landfill, and difficult site development generally
- Subsidence claims
- Earthworks
- Asbestos contamination and removal
- Heavy delay and disruption claims
- Steelwork

- Air-conditioning systems
- Railways, trains, train and bogie design and manufacture
- Collapses
- Floods
- Sports stadiums
- Hospitals
- Fires and fire prevention
- Residential developments
- Residential, Retail, Office, University, Hotel and Sports developments
- Canals
- Adjudication and enforcements
- Economic torts
- Appeals from arbitrators
- Advising on standard terms
- Unfair Contract Terms Act 1977
- Claims in negligence
- Limitation
- Claims against insurers and brokers

Selected Reported Cases

- *SABIC (UK) Petrochemicals Limited v Punj Lloyd Limited* [2014] EWCA Civ 1288
- *Greenwich Millennium Village Ltd v Essex Services Group Plc* [2014] EWCA Civ 960 (CA)
- *Greenwich Millennium Village Ltd v Essex Services Group Plc* [2014] EWHC 1099 (Costs) (TCC)
- *Greenwich Millennium Village Ltd v Essex Services Group Plc* [2013] EWHC 3059 (TCC)
- *Liberty Mercian Ltd v Cuddy Civil Engineering Ltd* [2013] EWHC 2688 (TCC)
- *Carillion Construction Ltd v Stephen Andrew Smith* [2011] EWHC 2910 (TCC)
- *AMEC Group Ltd v Thames Water Utilities Ltd* [2010] EWHC 419 (TCC)
- *Amec Group Ltd v Universal Steels (Scotland) Ltd* [2009] BLR 357 (TCC), [2009] EWHC 560 (TCC), 124 Con LR 102
- *Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd* [2009] 1 Costs LR 55, [2008] 122 Con LR 88
- *Steria Ltd v Sigma Wireless Communications Ltd* [2008] 118 Con LR 177, [2008] BLR 79 TCC, [2007] EWHC 3454 (TCC), [2008] EWHC 3454 (TCC), and [2008] CILL 2544
- *Multiplex Constructions (UK) Ltd v Cleveland Bridge UK Ltd* [2006] 107 Con LR 1 TCC
- *ERDC Group Ltd v Brunel University* [2006] All ER (D) 468, [2006] BLR 255 TCC, 109 Con LR 114, [2006] EWHC 687 (TCC), [2006] CILL 2348 and BLM Vol.23 No.6
- *Capital Structures plc v Time & Tide Construction Ltd* [2006] All ER (D) 98, [2006] BLR 226 TCC, [2006] EWHC 591 (TCC), [2006] CILL 2345 and [2006] BLM Vol.23 No. 410 TCC
- *Interserve Industrial Services Ltd v Cleveland Bridge UK Ltd* [2006] All ER (D) 49 TCC
- *Alfred McAlpine Capital Projects Ltd. v. SIAC Construction (UK) Ltd* [2006] BLR 139 TCC
- *L Brown & Sons v Crosby North West Homes* [2005] All ER (D) 63 TCC and [2005] EWHC 3503 (TCC)
- *Briggs & Forrester Electrical v Governors of Southfield School for Girls* [2005] BLR 468 TCC
- *McAlpine PPS Pipeline Systems v. Transco* [2004] BLR 352

- *Tesco Stores Ltd v Costain Construction Ltd* [2004] CILL 2062 TCC
- *Baldwins Industrial Services Plc v Barr Limited* [2003] BLR 176 (adjudication enforcement)
- *Fence Gate Ltd v NEL Construction Ltd* [2002] 82 Con LR 41 TCC
- *Rainford House Limited v Cadogan Limited* [2001] BLR 416, [2001] EWHC 18 (TCC), [2001] EWHC Technology 18, and [2001] NPC 39
- *Fastrack Contractors Limited v Morrison Construction Limited* [2000] BLR 168, 75 Con LR 33 and [2000] EWHC Technology 177
- *Lobb Partnership v Aintree Racecourse Company Limited* [2000] BLR 65
- *Davies Middleton & Davies Limited v Toyo Engineering Corporation* [1997] 85 BLR 59 and [1997] EWCA Civ 2318

Education & Professional Career

MA in Jurisprudence, Worcester College, Oxford	1989
Called to the Bar (Inner Temple)	1991
Keating Chambers	1992
Appointed Treasury Counsel (B-panel 5-10 years call)	2002-2008
Queen's Counsel	2009
TECBAR Accredited Adjudicator	
Arbitrator	
Dispute Resolution Board Member	
Public Access Training	2015

Memberships

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

Seminars, Publications & Papers

- Simon Hargreaves offers further analysis of the recent House of Lords' decision in *Melville Dundas Ltd v George Wimpey UK* and the potential implications of Lord Hoffmann's 'broad view' Simon Hargreaves QC 21st August 2007
- Assistant Editor, *Construction Law Yearbook* 1994, 1995 and 1996.
- Editorial team, *Keating on Building Contracts* 7th edition 2001.
- Simon Hargreaves QC has presented seminars to TECBAR, TeCSA, Chartered Institute of Arbitrators, firms of solicitors and developers and contractors.

Additional Information

Simon Hargreaves QC is married with three daughters, lives in West London and enjoys skiing and diving.