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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
- IT & Technology

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Practice overview

Vincent Moran's 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 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 Lilley case, the London Transport Oyster Card upgrade, the Barking Power Station dispute, the Tinsley Viaduct case, the Channel Tunnel Rail Link and Crossrail. Recent instructions have related to off shore windfarms, North Sea oil exploration equipment and PFI disputes connected with hospital projects.

Vincent's personal advocacy experience covers most tribunals in the country, including to the County Court, High Court (mainly, but not exclusively, the Technology and Construction Court), the Court of Appeal, arbitrations, 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), adjudication work and has extensive experience in alternative dispute resolution in the UK including many high value claims using mediation.

He is regularly cited as a leading practitioner by Chambers and Partners in both construction and professional negligence.

He is an editor of Chitty on Contracts (the Construction law chapter) and an author of Keating on Construction Contracts (chapters 8 and 9 on delay, disruption, financial recovery and causation).

Recent Cases

International 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 off shore windfarm.
- 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.

*“He was very impressive in his cross-examination,
and is a real force to be reckoned with.”*

Chambers & Partners, 2015

Construction & Engineering

- 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 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 off shore drilling vessel in the North Sea.
 - Acting as leading counsel in a £20m arbitration arising out of 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.
 - 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.
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Energy & Natural Resources

- 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 the main contractor for Wembley stadium in a £250m TCC claim for negligence against structural engineers. 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 off shore windfarm dispute concerned with defects, delay and termination issues connected with the project.
- Representing the employer as leading counsel in an arbitration concerned with defects and project delay in the UK's largest off shore windfarm.
- 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.

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.

“Very charismatic, absolutely on the ball and able to think on his feet. He puts his position across forcefully and turns our weaknesses into strengths.”

Chambers & Partners, 2015

Professional Negligence

- Representing a private individual employer in a TCC action concerning 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.
- 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

- Advising and representing the developer/employer (Union Railways Limited) in various disputes connected with the Channel Tunnel Rail Link project and the 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.

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

- *Mw High Tech Projects UK Ltd v Biffa Waste Services Ltd* [2015] EWHC 949 (TCC)
- *Mw High Tech Projects UK Ltd v Haase Environmental Consulting GmbH* [2015] EWHC 152 (TCC)
- *Westshield Civil Engineering Ltd v Westshield Ltd and Buckingham Group Ltd* [2013] EWHC 1825 (TCC); [2013] CILL 3395; [2013] 28 EG 85; [2013] 163 (7168) 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
- *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* [2000] TLR 26/1/2001
- *SMC Engineering (Bristol) Limited v Fraser* [2000] Lawtel 02/11/2000
- *South Australia Asset Management Corporation v York Montague Limited* [1997] AC 191
- *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

Memberships

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

Seminars, Publications & Papers

- 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 and 30th 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).

Vincent has recently conducted talks and seminars for a number of leading firms of solicitors in London and Hong Kong on Causation in Construction Law and more generally the topics of deliberate concealment, the liability of surveyors/architects and the nature and extent of a professional's concurrent duties of care in contract and tort to its client.

Additional Information

Enjoys football, rugby, cricket and current affairs.