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KEATING
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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 and technology disputes along with professional negligence claims involving architects, engineers and surveyors. He also advises on alternative dispute resolution. He has been active in adjudication in the UK (as advisor, advocate or adjudicator) and arbitrations (as advocate or arbitrator). He 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.

As well as being a Contributor to Keating on Construction Contracts (5th to 8th Editions), he is the Consultant Editor of Volumes 19(1) to (3) (Fuel and Energy) and 39(1) (Cross-Country pipelines) of Halsbury's Laws of England and have been engaged by LexisNexis Butterworths as the Consultant Editor for the Building and Building Contract titles of Halsbury's to be published in late 2010/early 2011.

He has recently acted for clients in disputes concerning a water transmission scheme in Abu Dhabi, a large infrastructure project in Hong Kong, two large scale commercial and residential developments in Hong Kong and a complex power station project in Vietnam. He continues to be instructed on a number of other substantial matters in Hong Kong and a complex infrastructure project in Thailand, as well as other mainstream construction and engineering work in Hong Kong.

Between 1984 and 1989 Ian practised as a barrister in Hong Kong (from what is now Des Voeux Chambers). From 1990 to date he has been in full time practice in London at Keating Chambers, the well-known specialist construction set. He was appointed Queen's Counsel in 2003. In June 2010 he re-joined Des Voeux Chambers on a full-time basis, although he retains his status as an Associate Tenant at Keating Chambers.

Recent Cases

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.
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“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.
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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.

Arbitration and Adjudication Appointments

- Several appointments as adjudicator relating to the construction of the Channel Tunnel Rail Link (High Speed 1).
- Party appointed adjudicator on a contractual adjudication relating to the construction of Topsides of an oil rig.
- Disputes relating to construction of a water treatment plant (Arbitrator).
- Professional negligence dispute relating to a large scale residential development.

*“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

BA in Law, Kingston Polytechnic	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 Hong Kong, Council Member

Seminars, Publications & Papers

- Halsbury's Laws of England 5th Edition - Volume 6: Building and Building Contracts Ian Pennicott QC and Gideon Scott Holland, December 2011.
 - Halsbury's Laws of England: Energy and Climate Change Ian Pennicott QC and Gideon Scott Holland, November 2011.
 - Halsbury's Fuel and Energy Volumes 19(1) to (3) Ian Pennicott QC and Sarah Hannaford QC, October 2007.
 - Consultant Editor of Halsbury's forthcoming Energy and Climate Change with Gideon Scott Holland, 5th Edition (due for publication in late 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 engaged as Consultant Editor for forthcoming Building and Building Contracts titles.
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Additional Information

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