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CHAMBERS



## MARC ROWLANDS QC

**Call:** 1990 / **Silk:** 2012

**mrowlands@keatingchambers.com**

### Areas of practice

- Construction & Engineering
- Energy & Natural Resources
- IT & Technology
- Infrastructure & Utilities

### Clerks' Details

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### Practice overview

Marc Rowlands QC was called to the bar in 1991 and took silk in 2012. He is a highly regarded and skilled advocate, whose extensive experience in front of a wide range of tribunals marks him out as formidable courtroom performer and a master of litigation tactics and strategy. A significant part of the success of any advocate is preparation: Marc is able to master enormous quantities of complex factual, technical and legal material and identify quickly the points that will carry the tribunal (or persuade the other party to settle, for that matter).

Having been awarded scholarships from his Inn and a leading commercial chambers, Marc chose to begin practice in a general common law set in order to gain advocacy experience. This gave him experience in virtually every tribunal in the country, having conducted crown court jury trials, magistrates' court prosecution lists, inquests, county court and High Court trials, appeals to the Court of Appeal and Supreme Court, Judicial Reviews in the Divisional Court, employment and lands tribunals and various professional disciplinary hearings. He has appeared in numerous arbitrations domestically and abroad, and is called to the Bar of the Bahamas. He is also a CEDR accredited mediator.

Marc began specialising in construction work when instructed by Clifford Chance as junior to Lord Falconer in the Channel Tunnel litigation in 1994. Since then he has retained an interest in rail related work, and has advised and appeared as advocate for rolling stock, infrastructure, operating and regulatory bodies all over the world (including the US, Canada, the Middle East, Taiwan and Singapore). His knowledge and experience of the UK rail regime is extensive.

More generally, since joining Keating Chambers in 2000 Marc's practice covers all areas of construction and engineering disputes. He has done cases involving all the major, and many minor, standard forms of building and engineering contracts, in particular the JCT, NEC3 and FIDIC forms. He has extensive experience of large PFI projects and associated disputes in particular in healthcare.

In addition to his reported cases, Marc's recent work includes disputes arising out of the Dubai Metro project, the Shinkansen high speed train network in Taiwan, numerous domestic disputes involving insolvency of one or other of the parties, drafting amendments to the NEC3 suite of Contracts in relation to a major gas infrastructure project, and releasing from arrest a ship in Lisbon.

He is consistently rated as a leader in his field by *Chambers and Partners*.

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## Recent Cases

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### Construction & Engineering

- Advocate acting for the contractor in a \$10 million arbitration in the Middle East in relation to a complex road interchange where completion of the works was substantially delayed including effects including associated utilities. (Arbitration in Dubai, UAE law).
- Acting for a major international airline in a dispute (approx value £30 million) arising out of a materials handling project, involving bonds, cross-claims for repudiation and limitation/exclusion clauses.
- Advised and drafted a defence for a major international contractor in an ICC arbitration against the Hong Kong Government concerning design in a road-building project.
- Advised a leading rolling-stock manufacturer on a US\$100 million claim against Amtrak in the Washington DC courts.
- Acted as Counsel in connection with a US\$3.5m dispute between contractor and hotel developer in Turks and Caicos.
- Acted for Insurers in relation to the Cologne City Metro collapse.
- Acted for Appellant in Court of Appeal in relation to complex estoppel and strike out arguments.

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*“He has a superb intellect and can devour huge amounts of information.”*

Legal 500, 2015

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### Energy & Natural Resources

- Appeared for design engineers against clients in a preliminary trial of construction, rectification and estoppel arguments arising out of the design of compressor facilities for a North Sea off-shore production platform.
  - Appeared as counsel in a case concerning defects in a power station, involving on-demand bonds/guarantees, Environmental Protection Act issues and alleged fraud.
  - Undertook pleadings and interlocutory work for the Government of a Caribbean state in an ICC arbitration relating to a petro-chemical plant.
  - Instructed by North Sea operator in litigation relating to design and construction of production platforms.
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## IT & Technology

- Appeared in a trial concerning the state of development and adequacy of oracle-based software, involving software development processes, business processes and the role of specifications.
- Acted in a repudiation case arising out of development and customisation of financial and facilities management software.
- Advised and drafted the statement of claim for a mass transit systems manufacturer in dispute arising from variations to user requirements for control systems and communications software.
- Acted for Claimant in High Court in trial of complex technical and contractual issues relating to satellite tracking systems.

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## Selected Reported Cases

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- *RBIL v Ryhurst* [2011] BLR 721 TCC
- *Simon Carves Limited v Ensus UK Limited* [2011] EWHC 657 (TCC); [2011] B.L.R. 340; 135 Con. L.R. 96
- *Bewley Homes plc v CNM Estates (Surbiton) Ltd* [2011] EWHC 2619 (TCC), BLR 67
- *Straw Realisations (No 1) v Shaftesbury House (Development) Ltd* [2010] EWHC 2597 (TCC), [2011] BLR 47, 133 Con LR 82
- *WW Gear Construction Ltd v McGee Group Ltd* [2010] EWHC 1460 (TCC), 131 Con LR 63 TCC, CILL 2884
- *Fitzroy Robinson Ltd v Mentmore Towers Ltd* [2010] EWHC 98 (TCC); [2010] All ER (D) 84 (Oct)
- *Fitzpatrick Contractors Ltd v Tyco Fire and Integrated Solutions (UK) Ltd* [2009] BLR 144
- *L Brown and Sons Ltd v Crosby Homes (North West) Ltd* [2008] All ER (D) 315 TCC, [2008] BLR 366 TCC and [2008] EWHC 817 (TCC)
- *R (on the application of Jeremy Guiney) (Claimant) v London Borough Of Greenwich (Defendant) & (1) Charlton Triangle Homes Ltd (Interested Party) (2) John Laing Partnership Ltd (Interested Party) (3) JLP Homes Ltd (Interested Party) (4) Intro Homes (Revisionary Interests) LTD (Interested Party)* [2009] JPL 211
- *Diamond Build Ltd v Clapham Park Homes Ltd* [2008] All ER (D) 353 TCC
- *Multiplex Constructions (UK) Ltd v Honeywell Control Systems Ltd* [2007] BLR 167 TCC
- *Multiplex Constructions (UK) Ltd v Honeywell Control Systems Ltd* [2007] BLR 195 TCC, [2007] Bus LR D109, [2007] CILL 2458, [2007] EWHC 447 (TCC) and 111 Con LR 78
- *Rolls Royce Power Engineering Plc v Ricardo Consulting Engineers Ltd* [2005] 98 Con LR 169 TCC
- *McAlpine PPS Pipeline Systems v. Transco* [2004] BLR 352
- *Hurstwood Development v Motor & General* [2002] PNLR 10 CA
- *Phillips Petroleum Co UK Ltd v Snamprogetti Ltd* [2001] 79 Con LR 80. TCC (and CA)

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## Education & Professional Career

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BA in Jurisprudence, Magdalen College, Oxford	1989
Called to the Bar (Gray's Inn, Scholar)	1990
4 Pump Court	Up to 2001
Keating Chambers	2001
CEDR Accredited Mediator	2007

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## Memberships

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TECBAR

COMBAR

Society of Construction Law

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## Language

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French (spoken)

Spanish (working knowledge)

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## Additional Information

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Marc Rowlands is married with five children.