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CHAMBERS



## MARCUS TAVERNER QC

**Call:** 1981 / **Silk:** 2000

**mtaverner@keatingchambers.com**

### Areas of practice

- Construction & Engineering
- Professional Negligence
- Infrastructure & Utilities
- Energy & Natural Resources
- Arbitrator

### Clerks' Details

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### Practice overview

Marcus Taverner is one of the leading Silks in the field of construction and engineering; professional negligence and energy law. He has an extensive advisory practice and a formidable reputation as an advocate and in particular a cross-examiner. He is well known not only for his considerable strategic acumen and understanding of the commercial aspects of litigation but, in particular, for his mastering of the technical detail of the many complex and high value cases he undertakes. He is regularly nominated by the Legal 500 and other bodies and was named top construction silk in 2009 and 2015 by Chambers & Partners. He is currently Head of Keating Chambers.

Over the last 33 years he has appeared regularly as advocate in the Technology and Construction Court, Commercial Court, the Court of Appeal, the Supreme Court and before Domestic and International Arbitration panels. He has advised on all types of engineering and construction projects in the UK and abroad in countries including Australia, Brazil, China, Estonia, Egypt, Italy, India, the Middle East, Hong Kong, Jordan, Nigeria, Peru, Russia, and the West Indies.

He has represented UK governmental bodies and several foreign governments. He has successfully represented many of the UK's largest construction and engineering companies, developers and all types of construction professionals and their insurers.

His extensive experience inevitably includes the consideration of many of the standard forms of contract including: JCT, ICE, all FIDIC forms, GC Works, NEC and standard shipbuilding forms and the full gamut of disputes such as allocation of risk for design, entitlements to extensions of time and loss and expense, liability for defective works and all aspects of insurance and securities. Much of his recent work has involved issues arising out of actual or threatened

termination.

In Energy related disputes, he has recently acted or is currently advising and acting in cases involving power stations, including nuclear, large offshore wind farm, LNG pipe lines and facilities, offshore investigation and oil and gas extraction; land and sub-sea cables; gas compression packages

In infrastructure, he is acting for LUL and Crossrail amongst others in various disputes and has acted in cases involving the construction of airports and airfields and road building in various jurisdictions.

Domestically, he is acting in various disputes involving football and other sports stadia, ground improvement schemes, road schemes including foundation and piling design and all types of mechanical and electrical issues.

Very recent work includes a number of PFI disputes involving several hospitals and waste disposal facilities around the UK.

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## Recent Cases

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### Construction & Engineering

- Represented BAE Systems in multi million pound TCC litigation concerning the design and installation of computer systems in Saudi Arabia.
- Representing employer with regards to a dispute over a large football stadia project.
- Advising with regard to many different PFI projects in the UK relating to Hospitals.
- Representing employers and contractors with regard to various ground improvement schemes (piles and vibro).
- Representing state body with regard to road building project in Oman.
- Representing state related body with regard to design and construction of a port in Jordan.
- Represented employer with regard to joint venture dispute in Saudi Arabia.
- Advised with regard to disrupted exploratory hydrocarbon drilling operations in offshore Guinea.
- Advising about an industrial chemical production facility in Russia.

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*“An extraordinarily good cross-examiner of experts, and an outstanding litigator.”*

Legal 500, 2015

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### Professional Negligence

- Representing the designer in an Arbitration concerning the civils design of a major road construction project in Hong Kong.
  - Represented owner in dispute with regards to a ground improvement scheme at an operational wine warehouse (listed by lawyer as top TCC case of 2014).
  - Advising with regard to several unrelated professional negligence claims relating to the design and construction of car parks in the UK.
  - Advising with regard to the collapse of residential premises during underpinning works.
  - Advised with regard to the cause and spread of fire within industrial and commercial premises.
  - Advising with regard to the turbine design of a power plant.
  - Representing developers concerning the environmental feasibility of a large housing project.
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### Infrastructure & Utilities

- Acted for Transport for London in a dispute arising out of the design and construction of the East London Line.
- Acting with regard to various disputes arising out of Crossrail project.
- Acting for LUL with regard to various infrastructure contracts.
- Advised with regard to London underground PFI contracts.
- Advising with regard to an automatic train control signalling system for sub-surface railway lines.
- Advised a civil engineering company regarding claims for loss of earnings / business interruption regarding a major tunnel collapse.
- Advised over commercial advertising concession on the London Underground.
- Acted/Acting for Thames Water on certain projects.
- Acted for Network Rail the derailment of a freight train.

### Energy & Natural Resources

- Advising with regard to the design and construction of nuclear power plant in Europe.
- Acting for a state body with regard to the laying of sub-sea electricity cables in the Irish Sea.
- Advising in respect of the design and construction of a power plant in the UK.
- Acted for the state in an arbitration relating to the upgrade of turbines and plant in an eastern european power station.
- Advising in the UK with regard to several different PFI projects relating to Waste Disposal facilities.
- Advising a multi-national energy corporation in a dispute arising out of the design, construction and operation of an LNG Facility.
- Acting as Arbitrator in ICC dispute concerning the construction of an LNG pipe line in Australia.
- Fronted a team of three QCs, four juniors and a substantial solicitor team to success in an LCIA arbitration concerning the manufacture, transportation and subsequent installation in one of the biggest off shore wind farms in the world.
- Litigated in the TCC over the termination of waste to power facilities contract in the UK.

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*“He is well prepared and unflappable when dealing with complex energy infrastructure disputes.”*

Chambers & Partners UK, 2016

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### Arbitrator

- Appointed as Tribunal member in an ICC arbitration regarding disputes arising out of the construction of anhydrous ammonia production facility.
- Appointed as Tribunal member in an ICC Arbitration regarding the contract for the construction of an export pipeline and gas collection header at an LNG plant.
- Appointed a Tribunal Member in joint venture dispute arising out of construction of a production facility in Trinidad.
- Sole Arbitrator in a domestic dispute regarding a commercial development in the South of England.
- Named adjudicators in several infrastructure projects.

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## Selected Reported Case

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- *Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd* [2013] EWHC 4030 (TCC); [2013] All ER (D) 156 (Dec)
- *RWE Npower Plc v Alstom Power Ltd & Ors* [2010] EWHC 3061 (TCC); 133 Con. L.R. 155; [2010] All ER (D) 15 (Dec)
- *AE Yates Trenchless Solutions Ltd v Black & Veatch Ltd* [2008] EWHC 3183 (TCC), [2009] CILL 2669, [2009] TCLR 4 and 124 Con LR 188
- *London Fire and Emergency Planning Authority v Halcrow Gilbert Associates Ltd* [2007] EWHC 2456 (TCC)
- *Clerical Medical Investment Group Ltd v Crest Nicholson (South West) Ltd & Ors* [2006] EWHC 2481 (TCC)
- *Gerling General Insurance Co. & others v Canary Wharf Group plc* [2005] All ER (D) 356 (Oct), [2006] 1 Lloyd's Rep 68
- *Decoma UK Ltd v Haden Drysys International Ltd* [2006] CILL 2303 TCC
- *Decoma UK Ltd v Haden Drysys International Ltd (No.2)* [2005] All ER (D) 408 TCC
- *Mersey Docks Property Holdings v Birse Construction Ltd* [2005] 99 Con LR 122 TCC
- *Thames Water Utilities Ltd v London Regional Transport* [2004] 95 Con LR 127 TCC (causation issues in relation to the failure of a substantial water main)
- *Hurst Stores and Interiors Ltd v ML Europe Property Ltd* [2004] 94 Con LR 66 and [2004] BLR 249 CA
- *Tesco Stores Ltd v Costain Construction Ltd* [2004] CILL 2062 TCC
- *Try Construction Ltd v Eton Town House Group Ltd* [2003] 87 Con LR 71 and [2003] BLR 286 TCC
- *Scottish & Newcastle Plc v GD Construction* [2003] BLR 131 and [2003] 86 Con LR 1 CA
- *Bellefield Computer Services v E. Turner & Sons Ltd (No. 2)* [2003] TCLR 10. CA and [2002] EWCA Civ 1823
- *HOK Sport v Aintree Racecourse Co Ltd* [2003] 86 Con LR 165 TCC
- *Royal Brompton Hospital NHS Trust v Hammond (No 3)* [2002] 1 WLR 1397 and [2002] 81 Con LR 2 House of Lords (already reported in All ER)
- *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
- *St Martins Property Corporation v Sir Robert McAlpine & Sons Limited* [1994] 1 AC 85

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## Education & Professional Career

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Bachelor of Laws, University of Leicester	1979
Master of Laws, King's College, London	1980
Called to the Bar (Gray's Inn)	1981
Keating Chambers	1985
Queen's Counsel	2000
Bencher of Gray's Inn	2007
Head of Keating Chambers	2015 - present

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## Memberships

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Technology & Construction Bar Association (TECBAR)

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Commercial Bar Association (COMBAR)

Society of Construction Law (SCL)

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## Additional Information

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Occasionally lectures on construction and related disputes. He supervises dissertations on the MSc in Construction Law and Management for King's College, University of London.

He is married with four children and lives in Hertfordshire. His interests include acting, guitar, walking, theatre, all types of music and opera. He is a Director of Stevenage FC.