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SIMON HUGHES KC

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Areas of practice

- Construction & Engineering
- Infrastructure & Utilities
- Energy & Natural Resources
- Offshore, Shipping & Marine Engineering
- International Arbitration
- FIDIC Experience
- Professional Negligence
- Commercial Litigation

Clerks' Details

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Practice overview

Simon Hughes KC is a specialist silk in major construction, engineering, shipbuilding and other off-shore and energy related disputes was recently awarded "Construction and Energy Silk of the Year" for 2019 by the Legal 500. He comes recommended for his client-focused approach, understanding of the technicalities of disputes and his "exceptional" advocacy, cross-examination, and advice. Simon is ranked in the 'Star' category in Chambers & Partners for Construction and is also in the very top ranking in Chambers & Partners (Band 1) for International Arbitration. There are only few silks with these dual top-ranking and this reflects Simon's stellar practice for major clients and leading law firms. Simon has been ranked in Who's Who's Legal as a Thought Leader in Construction and recommended in Arbitration and Construction.

Simon has been fortunate to have acted on some of the largest, and most challenging, heavy civil engineering disputes of the day (including a great deal of highway/highway infrastructure and associated geotechnical work).

Simon has been involved in disputes involving most standard form contracts used for substantial projects including the JCT standard forms, ICE 5th and 6th editions, the NEC, IChemE, FIDIC (Green, Red, Yellow and Silver Books), and derivative standard form agreements. He has particular experience of FIDIC forms and the NEC. In terms of types of dispute, Simon has particular experience of international power-plant disputes, major infrastructure projects and shipbuilding work, particularly in the Far East, and in disputes where the governing law is not English law. He has represented and advised clients on disputes in Hong Kong, Singapore,

Korea, Australia, Dubai and other parts of the UAE, various islands within the Caribbean and New Zealand. Simon has significant experience of working with Korean clients, and particular major Korean contractors, in connection with the mega-projects in which they are often play a crucial role. He has also been admitted to the Bar in Trinidad & Tobago and New Zealand for specific cases. Whilst a lot of Simon's work involves arbitration – and he has experience of over 20 different national legal systems being the law of the contract – he is also well-known as a court advocate, both in the TCC and Commercial Court in London, and has been successful in a large number of reported cases.

Disputes in the energy sector are a central part of Simon's practice as a senior KC. Simon's dispute and advisory practice encompasses construction of power-generating facilities across the whole spectrum of fuels; transportation and sale of oil, gas and electricity; drilling and exploration disputes; and nuclear new-build and decommissioning disputes. He has recently been selected as the KC to work alongside NNB Genco (HPC) as their project to build two new nuclear reactors at Hinkley Point C in Somerset takes shape.

Recent Cases

Construction & Engineering

Simon has been involved in major one-off UK projects such as the Channel Tunnel, the Jubilee Line Extension, the refurbishment of Blackwall Tunnel and work to Thelwall Viaduct. In the international context, involvement in substantial disputes has included those in Nigeria concerned with LNG facilities; pipe line construction and protection works in Kazakhstan and Georgia; and major road projects for a US contractor in Eastern Europe.

- **Substantial retail developments.** Simon is currently involved in disputes relating to the construction of a massive out-of-town shopping complex, and also has an up-coming trial in relation to a very substantial distribution centre in the Midlands (UK). He has extensive experience of new build construction of complex retail, together with disputes arising out of re-development and adaptation of existing construction, both in the UK, the Middle East and in Hong Kong and Singapore.
- **Adjudication across the sector.** Simon has very substantial experience of coming along side clients and supporting them across the whole breadth of adjudications. Simon will get involved at different stages depending upon complexity and client need. In large adjudications and for 'DAB' matters, Simon has prepared the written papers and conducted the hearings, and in the UK, Simon has been counsel in a significant number of the landmark cases on enforcement of adjudicators' decisions by the UK Courts. Simon has experience of a very wide range of disputes in adjudication, from large final account disputes, to specific technical issues raised during major 'live' projects, to claims for professional negligence and disputes over nuclear decommissioning.

“A razor-smart and charming advocate.”

Chambers UK Bar 2024

- **Complex housing and hotel developments.** In terms of UK work, Simon has acted for employers, contractors and consultants on very prestigious individuals houses, and more often on large commercial developments. He has acted on very large and high-profile disputes over piling in Hong Kong and also disputes in Singapore (where, for example, he acted in an arbitration concerned with construction of a landmark hotel and its casino).
- **Sports venues and stadia.** Simon has been involved in substantial arbitrations concerning race courses and football stadia, both in the UK and overseas. He was involved in litigation and various adjudications associated with the construction of Wembley Stadium.

Infrastructure & Utilities

- **Airports.** Simon has been involved in a substantial amount of complex disputes associated with the construction of airports around the globe. He advised and acted for the JV involved in Manchester Airport and was also involved in the expansion of Heathrow. As a junior, he was involved in disputes over Hong Kong airport. More recently, he led a team in a successful DIAC arbitration concerning Dubai's third terminal. He is currently instructed on a substantial Hong Kong arbitration concerned with an air/military base.
- Billion-dollar dispute in relation to multiple road & infrastructure schemes in the Caribbean generally based on the FIDIC Red Book.

“A tour de force, the best of the best at the construction Bar.”

Chambers UK Bar 2024

Energy & Natural Resources

- LCIA arbitration relating to a new-build nuclear station in Abu Dhabi [**nuclear**]
- ICC arbitration (London seat) arising out of the development of the largest gas bloc in Algeria [**natural gas**]
- ICC arbitration (Abu Dhabi seat, Paris hearings) arising out of the development of a very large oil field in the UAE [**oil**]
- A major dispute between a financial institution and a French power generator relating to Teesside power station (TCC London) [**natural gas**]
- Disputes arising out of de-sulphurisation works to an existing coal-fired power station in South Wales (TCC London) [**coal**]
- Currently involved in an arbitration involving a large coal-fired station in South Africa [**coal**]
- A major dispute between a German power generator and Sellafield over the cost of spent fuel reprocessing (Chancery Division London) [**nuclear – spent fuel reprocessing**]
- A series of substantial disputes, in arbitration and ultimately compromised, concerning the construction of wind farms in the North Sea [**wind**]
- A major dispute over a co-generation plant constructed in the North Island of New Zealand which involved Simon spending over 12 months in the Auckland High Court representing Rolls-Royce plc [**wood and natural gas**].

The nuclear power sector has always been of substantial interest to Simon. Shortly after being taken on at Keating Chambers, he worked for several months at Sellafield. Far more recently, Simon has conducted a number of adjudications concerned with various decommissioning projects within the UK. He was involved in a major arbitration associated with the UK's nuclear deterrent. He has also acted for a major German power generating company in relation to its costs of having spent fuel reprocessed in the UK.

“A very thorough advocate who's at the top of his game.”

Chambers UK Bar 2024

Offshore, Shipping & Marine Engineering

This is a substantial part of Simon's practice in silk, and an area in which he offers substantial experience. The following are examples of work in recent years:

- Acting in an ICC arbitration for a Chinese yard in relating to Italian engineers in relation to quality of welding.
- Acting for a Chinese/Singaporean yard against a US buyer in an LMAA arbitration who had just entered Chapter 11 in New York.
- Currently acting against a Chinese yard, on instructions from a law firm in Singapore, in an LCIA arbitration in London.
- Acting for a substantial Norwegian engineering services provider against an Egyptian owner of an FPSO in an LMAA arbitration.
- Acting for cabling specialist in connection with a very substantial dispute over sub-sea cabling works.
- Acting in an ad hoc arbitration on behalf of Norwegian buyers of a vessel under construction by a major Korean yard.

“Simon Hughes is a first-class operator with a scary intellect.”

Legal 500 2024

International Arbitration

Simon has long-standing experience of international arbitration under all of the major sets of arbitration rules (ICC, SIAC, DIAC, LCIA, LMAA, AAA and Swiss Rules) and has a particular expertise in fighting arbitrations, in English, where the law of the contract is not the law of England & Wales. This sort of work requires particular skill and experience, and Simon has arbitrated under the law of in excess of 20 different countries. Examples of recent experience:

- ICC arbitration for FTSE 250 oil company regarding \$100m claim regarding an oil pipeline in Abu Dhabi.
- Arbitration under the DIAC Rules in relation very substantial time/money disputes on Dubai terminal 3 (UAE law/Code).
- Disputes over a reinsurance relating to rigs operating in Uzbekistan. Ad hoc arbitration (Uzbek law/Code).
- Arbitration under the SIAC Rules in relation to the construction of a very high profile development in Singapore (Singapore law).
- ICC arbitration relating to substantial civil engineering projects in Bucharest (Romanian law, seat in Milan and English language).
- Currently involved in a Hong Kong arbitration concerning a very substantial project in East Africa.
- Currently involved in a shipbuilding arbitration relating to project in a Chinese yard subject to LCIA rules (London seat, Singaporean law).

Simon has particular experience and expertise in representing major Korean contractors in international arbitration involving major infrastructure, energy and mining projects through the Middle East and the Asia-Pacific region. Recent examples:

- Arbitration (Singapore seat) in connection with the Roy Hill mining project in Western Australia.
- Arbitration (London seat) in connection with Barakah NPP in Abu Dhabi.

“Simon is an excellent strategist, and has very good judgement. On difficult issues to which there is no clear answer, Simon will invariably be right as to which way the tribunal will lean.”

Construction, Legal 500 EMEA 2024

FIDIC Experience

A specialist area for Simon is large disputes where the contracting terms are based around, or incorporate, FIDIC Conditions of Contract. Simon is the co-author of a leading commentary on the FIDIC Red Book (latest edition now includes Yellow Book) and Simon has previously taught LLM courses, and continues to give seminars, focused on FIDIC. The following examples of recent work show the range of Simon’s experience:

- Billion-dollar dispute in relation to multiple road & infrastructure schemes in the Caribbean generally based on the FIDIC Red Book.
 - Substantial dispute concerned with a coal-fired power plant in South Africa where the contract is generally based on the FIDIC Yellow Book.
 - Substantial dispute in relation to an airport project in the UAE where the contract was based on the Silver Book.
 - A series of disputes relating the hospital projects in the Caribbean where the contracts were variously based around the Red Book, the Yellow Book and the FIDIC Sub-Contract Form.
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“Simon Hughes KC has an astonishing ability to master highly technical engineering issues, pluck out the pressure points and make a compelling case, even when the facts and applicable laws are not in his client’s favour. Simon’s professionalism is on display at all times and he goes out of his way to ensure smooth execution for all involved – a pleasure to work with.”

Chambers Asia-Pacific 2024

Professional Negligence

Construction-related professional negligence is a significant part of Simon’s overall practice. Simon has acted in claims against consulting engineers in connection with the design and build of a well-known sports stadium and architects in relation to the design of a new stand at a well-known race course. He has acted both for and against professionals in a series of ‘fire cases’ involving complex technical issues relating to causation and also extent of recoverable loss. Simon has particular experience of professional negligence arising in the context of earthworks, geotechnical investigations, soil stabilisation and complex sub-sea engineering work (cabling, tunnelling and drilling).

Commercial Litigation

Simon regularly becomes involved in 'commercial' issues and disputes, whether as a function of his main construction & engineering/energy practice or in any event. Simon is regularly involved in disputes relating to bonds & guarantees; complex issues over insurance and reinsurance of risk; disputes over ownership and entitlement particularly in the insolvency context; and the full range of interlocutory measures aimed at supporting and enforcing international arbitration.

“He is extremely hard-working. He is very good at juggling different cases but never loses sight of the bigger picture in each case. His advocacy is always impressive in terms of cross-examination and submissions.”

Chambers Asia-Pacific 2024

Selected Reported Cases

- **Lutchmeesingh's Transport Contractors v National Infrastructure Developmet Co Limited** (High Court, Trinidad & Tobago, Kokoram J, dated 7 July 2016)
- **Arcadis Consulting (UK) Ltd v AMEC (BSC) Ltd** [2016] EWHC 2509 (TCC)
- **National Stadium Project (Grenada) Corporation v NH International (Caribbean) Ltd** [2015] UKPC 6
- **Squibb vs London Pleasure Gardens and London Borough of Newham** [2013] EWHC 3275 (TCC) (contract/no contract issues)
- **Oakapple Homes v DTR & Others** [2013] EWHC 2394 (TCC) (insurance and collateral warranties)
- **Alstom Power Limited v Somi Impianti SRL** [2012] EWHC 2644 (TCC) (vesting clauses in terms of plant brought to site)
- **Carillion v RWC and Phi Group Limited** [2011] EWHC 1379 (TCC) (professional negligence in the context of soil stabilisation works)
- **RWE Npower Plc v Alstom Power & Others** [2010] EWHC 3061 (TCC) (interpretation of a complex power plant contract)
- **Carter Holt Harvey v Rolls-Royce plc and Others** (Cooper J on 27 August 2009, Auckland High Court) (issues raised during a complex and long running trial about admissibility of expert evidence)
- **Multiplex Constructions Limited v Mott Macdonald** [2007] EWHC 20 (TCC) (adjudication enforcement in relation to project documentation held by the consulting engineers to the project)
- **British Nuclear Group Sellafield Ltd v Kernkraftwerk Brokdorf and others** [2007] EWHC 2245 (Ch) (long trial concerning re-processing of spent fuel at Sellafield)
- **Scheldebouw BV v St James Homes (Grosvenor Dock) Ltd** [2006] BLR 113 TCC; Cons LJ Vol. 22 No.6; CILL 2313; BLM Vol.23 (question of construction as to whether the employer could replace the independent certifier by stepping into the role himself)
- **Wimbledon Construction Co 2000 Ltd v Vago** [2005] 101 Con LR 99 TCC (adjudication/stay of execution)
- **AMEC Civil Engineering Ltd v Secretary of State for Transport** [2005] 1 WLR 2339 CA, [2005] Con LJ Vol. 21 No.8 p.640 CA, [2005] 101 Con LR 26 CA, [2005] CILL 2228 and [2005] BLR 227 CA and [2005] CILL 2189 TCC (the meaning of 'dispute' and the operation of Clause 66 of the ICE standard form)

- **Rupert Morgan Building Services (LLC) Ltd v Jervis** [2004] 1 WLR 1867 (summary judgment on a certificate)
- **Picardi v Cuniberti** [2004] 94 Con LR 81 TCC (whether the Unfair Terms in Consumer Contract Regulations applied to adjudication)
- **Dwr Cymru (Welsh Water) v Carmarthenshire County Council** [2004] EWHC 2991 (TCC) (limitation and acknowledgment of a debt)
- **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)
- **PC Partitions v Canary Wharf Contractors Limited** [2004] EWHC 1766 (TCC) (contract/no contract issues)
- **Rupert Morgan Building Services v Jervis** [2004] 91 Con LR 81 and [2004] BLR 18 CA (summary judgment on a certificate)

Education & Professional Career

Public Access Training	2015
Queens Counsel	2011
Judicial Assistant to the Court of Appeal	1997
Keating Chambers	1996
Called to the Bar (Gray's Inn)	1995
Diploma in Law, City University	1994
Thyssen Prize in Modern and Medieval History	1991
Health Harrison University Prize for German	1991
BA in Modern History and Modern and Medieval Languages	1990-1993
Magdalen College, Oxford (Scholar, Double First Class).	

Memberships

- Member of the Society of Construction Law
- Member of Technology and Construction Bar Association (TECBAR)
- Member of Commercial Bar Association (COMBAR)

Seminars, Publications & Papers

- Contributor to GAR Guide to Construction Arbitration (2018, 2nd edition).
- Co-author in relation to chapters on Adjudication and FIDIC, Keating on Construction Contracts - Tenth Edition (2016)
- Understanding the FIDIC Red Book 2nd Edition Simon Hughes QC 10 January 2012.
- Contributor, Keating on Construction Contracts - Eighth Edition (2006) and Ninth Edition (2012).
- Understanding the New FIDIC Red Book: a clause-by-clause commentary Simon Hughes QC & Jeremy Glover. Third Edition recently published as a commentary on the Red and Yellow Books, 2017 Amendments.
- Editor of Chitty on Contracts (29th Edition 2004).

Languages

German