



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY, NATURAL RESOURCES AND UTILITIES
TRANSPORT
PROFESSIONAL NEGLIGENCE
SHIPBUILDING, REPAIR AND CONVERSION
GENERAL COMMERCIAL

Andrew Goddard QC

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PRACTICE

Andrew Goddard QC specialises in the law of commercial obligations, professional negligence and international arbitration, particularly in the context of disputes concerning major construction and engineering contracts and IT projects. He has had much involvement in infrastructure, telecoms and energy disputes, and has acted for main contractors, sub-contractors, professionals and employers, including national and foreign Governments. Andrew has experience of PPP and PFI projects in the UK and various Commonwealth jurisdictions, and is a director of the Caribbean Procurement Institute.

Andrew is “a creative thinker” and “very analytical” (Chambers and Partners), he is strategic in his approach to the prosecution and resolution of disputes. He believes that the process can be improved by increased party collaboration, where sensible to do so, and early identification of the real issues, thereby improving the client’s overall experience and, crucially, outcomes. His expertise in international commercial arbitration stems from appearing in numerous disputes referred to arbitration under the auspices of the ICC, the HKIAC, the LCIA and the LMAA. He also has experience of investor-state disputes proceeding before the International Centre for the Settlement of Investment Disputes (ICSID).

Related areas of law in which he has detailed knowledge and experience include ship construction and conversion, insurance and performance bonds. He is also experienced in judicial review and issues relating to public procurement.

He is an accredited civil and commercial mediator, and has been appointed as arbitrator, adjudicator, legal assessor, and legal expert in various disputes. He has also been admitted on an ad hoc basis to the Bars of Hong Kong, Trinidad and Tobago, and Tanzania.

Andrew is listed as a leading silk in Construction and International Arbitration by The Legal 500, the Chambers UK Bar Guide, The Legal 500 Asia-Pacific, the Chambers Asia-Pacific Guide, the Chambers Global Guide and Who’s Who Legal.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

"He is strategically excellent."

Construction, Chambers and Partners

Andrew has represented a large number of employers, Governments, contractors, sub-contractors and consultants on many cases, both domestic and international, concerning numerous types of building and civil engineering projects.

INTERNATIONAL

- Acting for sub-contractors in a HK\$300 million dispute concerning a luxury cruise ship terminal. There are a number of contractual disputes related to the construction of sea defences and the disposal of construction and demolition materials.
- Acting in a substantial payment dispute arising out of construction contracts in connection with a subsea cable-laying project in the sea area near Saudi Arabia.
- Advising on a number of disputes in relation to the construction of a US\$2 billion international airport concourse, including those related to unforeseen adverse ground conditions. Appointed as adjudicator in two major PFI highways rehabilitation and maintenance contracts.
- Acting on a Hong Kong arbitration in respect of HK\$ multi-million claims arising out of a project for one of the world's longest cable-stayed highway bridges. Andrew was admitted to the Hong Kong Bar for the successful defence of applications to appeal award in Court of Appeal and Court of Final Appeal, **Maeda Corporation v Govt. of Hong Kong SAR** [2014] BLR 22.
- Acting on major highways dispute for the construction of new trunk road in Hong Kong.
- Acting in a Hong Kong arbitration regarding disputes between the main contractor and employer in the redevelopment of a Hong Kong mixed-use residential and commercial development and related infrastructure.
- Advising on a Hong Kong arbitration under auspices of HKIAC concerning time and financial claims in excess of HK\$250 million arising from a social housing project. Andrew was admitted to the Hong Kong Bar for successful defence of application for leave to appeal.
- Acting on an UNCITRAL arbitration of €multi-million claims arising out of major PPP motorway construction project.
- Acting on an ICC arbitration arising out of termination of design and supervision contract for 35 km motorway between EU accession state and European consortium.
- Acting for the Government of Gibraltar in London High Court action for termination of 600+ residential dwellings contract.
- Appointed as arbitrator for ICC arbitration of dispute for design and supply of bespoke canalisation plant.
- Acting on LCIA arbitration between South African contractors and West African Government for construction of luxury housing development.

- Advising on a dispute between Tanzanian Governmental agency and Kenyan consulting engineers arising out of terminated contract for port expansion works. Claims were arbitrated in London (with successive appeals to High Court of Tanzania), involving issues as to the identity and capacity of the contracting parties, lawfulness of termination, currency of award and the effects of currency devaluation.

DOMESTIC

- Successful enforcement proceedings re: adjudicator's decision on entitlement to liquidated damages in relation to a subcontract concerning the provision of a baggage handling system at Gatwick Airport. **Vinci Construction UK Ltd v Beumer Group UK Ltd** [2018] EWHC 1874 (TCC).
- Acting for city housing authority in a dispute relating to the construction of a major public housing development.
- Acting in a major PFI contract for construction of hospital facilities and provision of non-clinical services.
- Acting on a dispute between main contractors and sub-contractors in respect of the Wembley National Stadium, litigated in High Court, London.
- Appointed legal assessor to the Dispute Board in respect of PFI hospital project.
- Advising in respect of PPP contract for provision of hospital services.
- Advising on dispute as to the tendering and procurement procedure for PFI hospital project.
- Acting on a High Court dispute concerning the contractor's design responsibility for, and consequences of, the failed encapsulation of asbestos in a major shopping centre.
- Acting on a High Court dispute arising out of a contract for the regeneration of a principal regional railway terminus and failure of glazing works.

ENERGY, NATURAL RESOURCES AND UTILITIES

Andrew has wide experience acting for contractors on domestic and international disputes arising out of the design and construction of, among others, power plants and waste water treatment plants.

Examples of his work include:

- Acting for the claimant in relation to the construction of the Carrington Combined Cycle Gas Technology power station in Manchester **Severfield (UK) Ltd v Duro Felguera UK Ltd (No. 2)** [2017] EWHC 3066 (TCC).
- Advising on a US\$200 million dispute concerning the construction of a flagship sludge treatment plant.
- Acting in US\$100 million plus HKIAC arbitration arising from termination of turnkey contract for design and supply of photovoltaic solar cell production lines.
- Appointed as adjudicator in respect of FIDIC Silver Book contract for LNG terminal.
- Acting on a dispute between the Government of Gibraltar and French providers of a waste-to-energy plant. The claims were arbitrated in London and Gibraltar involving issues as to the

contractual formula for power purchase, remuneration, lawfulness of termination and the recoverability/remoteness of damage. Technical issues concerned the calorific value of waste and the ability of the plant as designed to produce the specified energy output.

- Acting on a dispute in respect of a contract for the refurbishment and conversion of a power station to a waste-to-energy plant. The claims were adjudicated in London, involving issues as to the achievement of contract milestones triggering entitlement to payment and the satisfaction of contractual performance criteria. Technical issues concerned the proper assessment of acceptance test data and reasons for apparent non-compliance with specification.
- Advising on the enforcement of an adjudicator's award in respect of construction works at a power station.

TRANSPORT

Andrew has represented, among others, governments and contractors on disputes arising from road, rail and infrastructure projects. His experience includes:

- Acting for employer in sub-contract dispute arbitrated in Hong Kong concerning railway extension electrical works. Claims involved fraud and the manufacture of evidence.
- Advising on an ICE Conciliation between employer and contractors concerning major infrastructure works commissioned by Isle of Man Government.
- Appointed as adjudicator in two major PFI highways rehabilitation and maintenance contracts.
- Acting on behalf of a design and build contractor against construction professionals and sub-contractors arising out of the re-laying of section of main line railway. Claims involved issues of professional (and solicitors') negligence and the exclusion/limitation of liability.
- Acting on major highways and bridge construction projects in Hong Kong.
- Acting on a High Court dispute arising out of a contract for signalling and engineering work on commuter railway line in South East. Claims involved issues as to the incorporation of terms and the financial consequences of engineering work extending beyond permitted windows.
- Advising on a dispute arising out of a contract for motorway repair. The claim was arbitrated in London and involved issues as to the true meaning and effect of the contractual remuneration formula in respect of varied and additional work.
- Appointed as party nominated arbitrator (ICC, Vietnam seat) in respect of defects from the construction of a highway in Southeast Asia.

PROFESSIONAL NEGLIGENCE

In the professional negligence field Andrew has acted for claimants, defendants and their indemnity insurers in relation to claims brought against a wide range of professionals including solicitors, architects and construction professionals. Examples include:

- Acting for a major regional government in a professional negligence case against a firm of environmental engineers in relation to a flagship energy to waste facility. Dispute concerns

alleged errors in reporting emission rates and odour emission modelling, and the associated liabilities.

- Acting on a dispute between an English university and professional advisors concerning suitability issues and cost overruns in respect of design of major building project.
- Acting on behalf of design and build contractor against construction professionals and sub-contractors arising out of the re-laying of section of main line railway. Claims involved issues of professional (and solicitors') negligence and the exclusion/limitation of liability.
- Acting against architects on a claim arising out of the design of prestigious HQ building and architect's role in settlement of contractor's claims. The claim, litigated in High Court and resolved through mediation, involved issues as to the contribution played by other professionals and the employer in events giving rise to contractor's claims.
- Acting on an ICC arbitration arising from termination of contract for design of motorway extension.

SHIPBUILDING, REPAIR AND CONVERSION

Instructed by foreign Government in respect of the procurement and construction of several Island-class patrol vessels. The vessels are based on the Royal Navy's River-class patrol vessels, are 90 m (295 ft) long, and have 80 man crews plus accommodation for 40 troops. They are designed to perform a range of Economic Exclusion Zone (EEZ) management, special operations and maritime law enforcement tasks.

Andrew gained significant experience as a junior, and then as leading counsel, over several years in a massive international dispute arising out of a contract for the conversion of a bulk carrier into a dynamically positioned pipe-laying vessel. The claims, arbitrated in London, raised numerous issues of contractual interpretation, fraud, proof and quantification of loss, and currency of award (with successive appeals to the High Court) **Sembawang Corporation v Pacific Ocean Shipbuilding** [2004] EWHC 2743 (Comm); [2004] App. LR 11.

Andrew has recently instructed by a foreign shipyard to advise on issues of contractual interpretation, including termination provisions of marine contract, and institution of arbitration proceedings under LMAA arbitration clause.

GENERAL COMMERCIAL

INTERNATIONAL INVESTMENT DISPUTES

Andrew acted on behalf of a foreign investor arbitrating claims pursuant to bilateral investment treaty (BIT) proceeding before the International Centre for the Settlement of Investment Disputes (ICSID).

RECENT RECOMMENDATIONS

"He is both pragmatic and commercial in the way he approaches issues." "A very good advocate."
International Arbitration, Chambers UK Bar 2020

AtkinChambersBarristers

"One of the finest construction silks in the business" and "a very commercial and pragmatic barrister, much liked by clients. I cannot praise him enough; he's really the best in his class." Peers also esteem him highly, one calling him "a highly sought-after, tenacious and very effective silk."

International Arbitration, Chambers Asia-Pacific and Chambers Global 2020

"An aggressive advocate that is good to have in your corner."

Construction, The Legal 500 2020

"A standout arbitration silk."

International Arbitration, The Legal 500 2020

"He works hard to draw out the best in other members of the team and to achieve an optimal outcome."

Construction, Energy & Infrastructure, The Legal 500 Asia Pacific 2020

"A very good advocate." "He has a sharp mind and is able to quickly distil complicated issues into straightforward concepts."

International Arbitration, Chambers UK Bar 2019

"A sharp mind, able to quickly distil complicated issues into straight-forward concepts, never compromising his tenacious advocacy."

Construction, The Legal 500 2019

"Commands a "huge amount of respect" as an "incredibly busy" advocate in construction and infrastructure-related arbitrations" "Andrew has a sharp mind and is able quickly to distil complicated issues into straightforward concepts. His analysis is pragmatic and commercial, he never loses sight of the underlying objective of the client and is always looking for creative solutions."

International Arbitration, Chambers Asia-Pacific 2019

"He has an uncanny ability to cut to the chase with commercially-minded advice."

Construction, The Legal 500 Asia-Pacific 2019

"Measured, creative and a good thinker." "Clients warm to him very quickly as he is commercial and cuts straight to where the battleground is."

Construction, Chambers UK Bar 2018 and Chambers Global 2018

"He developed a complicated argument in a simple manner, with a very smooth and logical delivery which made the tribunal understand the issues very quickly."

International Arbitration, Chambers Asia-Pacific 2018 and Chambers Global 2018

"He is strong in advocacy and cross-examination, making persuasive and intelligible submissions."

Construction, The Legal 500 Asia-Pacific 2018

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.