



CONSTRUCTION, ENGINEERING, AND  
INFRASTRUCTURE  
PFI/PPP  
INTERNATIONAL ARBITRATION  
PROFESSIONAL NEGLIGENCE  
ENERGY AND UTILITIES  
GENERAL COMMERCIAL  
INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS

## Edmund Neuberger

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### PRACTICE

Edmund Neuberger specialises in international and domestic construction, engineering and infrastructure projects, professional negligence, and insurance disputes. Edmund acts in domestic litigation (including the Court of Appeal), international arbitration and sits as an adjudicator. His background in engineering and information technology provides a solid grounding for the more detailed and technically complex areas of a dispute.

He is regularly instructed on a wide range of disputes relating to substantial infrastructure projects both domestically and internationally. Recent examples concern the delivery of a very large logistics hub in Oman, an oil and gas dispute in West Africa, the design and construction of a number of blocks of luxury residential apartments in Asia, the construction of a 1050MW coal fired power station in Asia, the design and construction of a major luxury residential development in central London, numerous cladding cases, and a substantial dispute under a term partnering agreement.

Recommended as a leading junior in the most recent editions of the leading legal directories, clients praise Edmund's "quickness in picking up points and commercial approach" and his "superb analytical skills."

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### CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Edmund is familiar with standard form engineering contracts (including JCT, NEC, FIDIC and GC/Works) having been instructed by both contractors and employers in a number of international and domestic disputes. Recent instructions include:

- Various cladding disputes including multi-million-pound claims against an architect in relation to student accommodation and advising a developer on limitation issues on a proposed claim against a contractor.

- Sole counsel for a local authority in a High Court dispute concerning a term partnering contract with a total value of around £100m.
- Advising on injunctive relief under the Emergency Arbitrator Provisions under the ICC Rules in relation to a chemical manufacturing facility.
- Sole counsel in a five-day arbitration concerning a logistics hub in Oman including issues of delay, quantum, and Omani law.
- Counsel in an arbitration seated Hong Kong concerning the design and construction of prime location, high-end blocks of flats.
- **North Midland Building Ltd v Cyden Homes Ltd** [2018] EWCA Civ 1744, [2018] 7 WLUK 698, [2018] BLR 565 and [2018] CILL 4189. Edmund appeared in the Court of Appeal in a case concerned with the prevention principle in the context of a clause providing that the liability for concurrent delay rested with the contractor and should not be taken into account for the purposes of calculating an extension of time.
- **Carillion Construction Ltd v Woods Bagot Europe Ltd, AECOM Ltd, EMCOR Engineering Services Ltd and EMCOR (UK) Limited** [2017] EWCA Civ 65 and [2016] EWHC 905, [2016] BLR 382, [2016] CILL 3833, [2016] All ER (D) 11 (May). Preliminary issue hearing in a claim arising from the construction of the Rolls Building, home of the TCC, Commercial and other courts. Two preliminary issues were considered relating to the operation of extension of time provisions in a sub-contract and whether certain claims were irrecoverable.
- Acted for the claimant in High Court proceedings about the defective construction of a newly built TV recording studio.
- **LXB RP (Crown Road) Ltd v Squibb Group Ltd** [2016] EWHC 2669. Acted for a special purpose vehicle to enforce an adjudicator's decision. The Court considered whether the defendant was entitled to a stay of enforcement on the basis of the claimant's financial position.
- **J Murphy & Sons Ltd v W Maher & Sons Ltd** [2016] EWHC 1148, [2016] All ER (D) 176 (May). Part 8 hearing for declarations in relation to jurisdictional challenges in an ongoing adjudication. The Court considered whether parties to a construction contract had reached a full and final settlement in relation to the final account were disputes arising under the contract and could be referred to adjudication.
- **CSK Electrical Contractors Ltd v Kingwood Electrical Services Ltd** [2015] EWHC 667, [2015] All ER (D) 167 (Mar). Enforcement of an adjudicator's decision resisted on a number of grounds.
- **Lovell Partnerships Limited and Connaught Partnerships Limited v Merton Priory Homes** [2014] EWHC 1615 and [2014] EWHC 1800, [2014] BLR 541, [2014] CILL 3521, [2014] Bus LR 954 and [2014] All ER (D) 189 (Jul). Junior counsel to Simon Lofthouse QC in a Part 8 dispute for declaratory relief on the proper interpretation of a clause in a standard form partnering contract (ACA Standard Form of Contract for Term Partnering 2005).
- **Devon County Council v White Design Associates Limited and Interserve Construction Limited** – Acting for a contractor in a claim relating to the allegedly defective design and construction of an 'eco-friendly' school necessitating its demolition and reconstruction.

- **W Maher & Sons Limited v Bowmer & Kirkland Limited.** Enforced an adjudicator's award (in excess of half a million pounds) following a two-day application in the High Court. Issues before the Court included issues of findings in excess of jurisdiction by the adjudicator and issues around the Court's jurisdiction to make declarations by way of counterclaim in an adjudication enforcement action.
- Acted as sole counsel in a five-month long adjudication with a claimed value in excess of £6.6m. These proceedings concerned issues of repudiatory breach and final account issues and required two hearing days before the adjudicator.
- Successfully opposed the enforcement of an adjudication award before Mr. Justice Ramsey due to a breach of natural justice (**LG Developments North Eastern Limited v Halls of Durham Limited**, unreported).
- Part of a counsel team in pleading a £200 million delay and defects claim in relation to a national infrastructure project based on an NEC 3 type contract, including preparation of a pre-action application for specific disclosure.

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## PFI/PPP

- Acting for a hospital in relation to a dispute with a contractor concerning the design and construction of various critical care facilities.
- Acted for a contractor in a very substantial highways PFI dispute.
- Advising as both junior and sole counsel on a number of aspects of an ongoing multi-million-pound PFI scheme in the north of England. Edmund has provided a number of legal and tactical advices, as well as advising in conference, both in his own capacity and as junior on a number of aspects of the complex PFI contracts.

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## PROFESSIONAL NEGLIGENCE

Edmund has advised and acted in a number of professional negligence claims against lawyers, architects and other construction professionals. Edmund has also advised architects and other construction professionals on aspects of professional indemnity insurance. Recent examples include:

- Acting for a firm of architects in a professional negligence claim concerning a leisure facility in the South of England.
- Acting as sole counsel for one of the world's leading engineering businesses in relation to two disputes with its sub-contractor. Both disputes relate to multi-million-pound projects for the overhaul of power stations in the Philippines and Libya.
- Acted both for and against architects in relation to cladding disputes.
- Advised on a claim against a firm of consulting engineers concerning the negligent hydraulic jacking of a building.
- Acting for a construction manager in a multi-party claim around ultra-prime central London residential developments.

- Acting on a professional negligence claim against a firm of cost managers in relation to the procurement and construction of luxury apartments and hotels.
- Appeared as sole counsel in a three-day trial in the Birmingham County Court. The matter related to the allegedly negligent construction of an outdoor riding arena.
- Acting for one of a number of defendants in relation to a defective air conditioning system in a commercial building in London. The case involves technical issues around the specification of the air conditioning system and water treatment in use.
- Sole counsel for a five-day trial concerning allegations of professional negligence against a firm of architects in the TCC in Manchester.
- Sole counsel for a six-day High Court trial defending a firm of architects in relation to a professional negligence claim regarding the conversion of an historic castle in Ireland. Edmund has been instructed since the pleadings stage of proceedings, which has since settled (**AB v CD** [2013] EWHC 1376, [2013] BLR 435).
- Conducted an adjudication on behalf of an employer under the RIBA Standard Form of Agreement alleging professional negligence against a firm of architects in the design and supervision of refurbishment works of a luxury property. Providing tactical advice before, during and after the adjudication, and drafting submissions.
- Junior counsel in pleading a defence and contribution claim against a third party for a firm of architects in a claim involving technical aspects of bulk earthworks in the conversion of a large industrial site.
- Acting for a claimant homeowner in relation to a claim of professional negligence against architects in relation to Professional Consultant's Certificates (PCCs).
- Providing preliminary advice to insurers on liability to a firm of engineering consultants following the physical collapse of a construction project.
- Pleading and providing tactical advice to a firm of architects in a claim resulting from the restoration and refurbishment of a listed building.

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## ENERGY AND UTILITIES

Edmund's experience in this area is particularly in relation to the construction of power plants and industrial sites. Recent instructions include:

- Co-counsel in an UNCITRAL arbitration in relation to an oil and gas dispute in West Africa including allegations of a technical nature, as well as issues of accountancy.
- Instructed in relation to an arbitration regarding the construction of a 1050 MW power plant in Asia.
- Instructed as part of a team in a multi-million dollar ICC arbitration regarding the construction of a power plant.
- Acted for a local authority in relation to a claim concerning a terminated repair and maintenance contract for a sewerage network.

- Junior counsel in an adjudication concerning an extension of time brought by the principal contractor of a power plant. His involvement included spending time on site, taking witness statements from the client's employees, as well as attending an adjudication hearing.
- Pleading as junior counsel in a case concerning a manufacturer and installer of waste management and recycling units.

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## GENERAL COMMERCIAL

- Acting as counsel in a number of Hong Kong based shareholders disputes concerning the construction and operation of specialist ships. Two of the disputes have resulted in final hearings.
- Acting for a firm of project managers in a fee claim against a higher education establishment.
- Breach of a Loan Note instrument in connection with a SPA. Issues included conflict of laws and termination related disputes.
- A sale of goods agreement concerning SIM Cards. The case involved technical issues around alleged defects and legal issues on the effect of a Chinese insurance policy.
- Providing advice to insurers on conflict of law and enforceability issues under the Third Parties (Rights Against Insurers) Act 1930 arising out of an arbitration in the Republic of Ireland in circumstances where cover had been withdrawn.

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## INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Edmund has undertaken work of a highly technical nature, including in relation to complex multinational license agreements for substantial commercial software and agreements for the provision of programming services. Edmund is familiar with the technical demands of IT and Telecommunications disputes from his background as an engineer. Recent work includes:

- Sole counsel acting for a provider of public sector IT services against its large, specialist IT sub-contractor, principally involving issues of delay in relation to a government website.
- Acted as junior counsel in a multi-million pound arbitration for the provision of health care software.
- Junior counsel in an international claim concerning the production of alleged defective electrical components in the automotive industry.

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## NOTABLE CASES

**North Midland Building Ltd v Cyden Homes Ltd** [2018] EWCA Civ 1744, [2018] 7 WLUK 698, [2018] BLR 565 and [2018] CILL 4189

**Carillion Construction Ltd v Woods Bagot Europe Ltd, AECOM Ltd, EMCOR Engineering Services Ltd and EMCOR (UK) Limited** [2017] EWCA Civ 65 and [2016] EWHC 905, [2016] BLR 382, [2016] CILL 3833, [2016] All ER (D) 11 (May).

**LXB RP (Crown Road) Ltd v Squibb Group Ltd** [2016] EWHC 2669

**J Murphy & Sons Ltd v W Maher & Sons Ltd** [2016] EWHC 1148, [2016] All ER (D) 176 (May).

**CSK Electrical Contractors Ltd v Kingwood Electrical Services Ltd** [2015] EWHC 667, [2015] All ER (D) 167 (Mar)

**Lovell Partnerships Limited and Connaught Partnerships Limited v Merton Priory Homes** [2014] EWHC 1615 and [2014] EWHC 1800, [2014] BLR 541, [2014] CILL 3521, [2014] Bus LR 954 and [2014] All ER (D) 189 (Jul).

**AB v CD** [2013] EWHC 1376, [2013] BLR 435

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## QUALIFICATIONS AND AWARDS

2008            Called to the Bar of England and Wales (Lincoln's Inn)

2007-2008    BVC, Inns of Court School of Law

Awarded the Lord Denning Scholarship from Lincoln's Inn

2006-2007    CPE, City University

Awarded the Lord Haldane Scholarship from Lincoln's Inn

2002-2006    MEng (Hons), University of Oxford, Christ Church

Masters in Engineering Science including specialist options in civil engineering, biochemical engineering. Thesis on "Finding fiducials in MRI and PET images" written in collaboration with Siemens Molecular Imaging.

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## ADDITIONAL INFORMATION

Edmund is a member of the SCL, COMBAR, TECBAR and LCLBA. Edmund also regularly sits as an adjudicator and is a member of the CEDR and TECBAR panels.

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## RECENT RECOMMENDATIONS

*"Impressive barrister and a safe pair of hands with a bright spark."*

Construction, Chambers & Partners UK Bar 2022

*"A quick and thorough mind able to work well with clients and solicitors. Easy to use and very helpful."*

Construction, Legal 500 2022

*"He punches above his weight and works well with silks. He impresses with his willingness to roll up his sleeves, quickness in picking up points and commercial approach."*

Construction, Chambers & Partners UK Bar 2021

*"Edmund is a quality option. He works hard and is very responsive, and he is always on hand to talk through difficult issues. He effortlessly works with a broader team and gets on with the job. He is a strong choice."*

Construction, The Legal 500 2021

*"He grapples with the detail well"*

Professional Negligence, The Legal 500 2021

*"Edmund is a terrific draftsman with an unnerving ability to get straight to the heart of a problem."*

*"Puts in tremendous hours and is extremely thorough. He is destined to become a silk."*

Construction, Chambers & Partners UK Bar and Global 2020

*"Responsive and approachable with superb analytical skills."*

Construction, The Legal 500 2020

*"He grapples with the detail well."*

Professional Negligence, The Legal 500 2020

*"Really talented barrister and a safe pair of hands who won't let you down."*

*"His pleadings are thorough and well drafted, and he is a calm and reassuring presence for clients."*

Construction, Chambers & Partners UK Bar 2019

*"A very calm presence on the team and a very skilled advocate." "Good with clients, accommodating and very user-friendly."*

Construction, Chambers & Partners UK Bar 2018

*"He has an impressive ability to convey complex issues succinctly and clearly." "He's very bright and very hard working, but also very down to earth and good with clients."*

Construction, Chambers & Partners UK Bar 2017