



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY, NATURAL RESOURCES AND UTILITIES
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
PROFESSIONAL NEGLIGENCE
TRANSPORT
GENERAL COMMERCIAL

Martin Bowdery QC

Call Date: 1980, Silk: 2000 // mbowdery@atkinchambers.com

PRACTICE

Martin practises as an advocate, arbitrator, mediator and adjudicator in construction and engineering disputes, and has been involved in many high-profile cases in this sector. In recent years he has appeared principally in the High Court, the Court of Appeal, the Supreme Court and before various international arbitral tribunals. He has had numerous appointments as arbitrator or adjudicator. He sits as a Deputy High Court Judge of the Technology and Construction Court. Martin is a Fellow of the Dispute Board Federation and was elected Chair of TECBAR from 2015 until 2017. In 2018 Martin was elected a full (Arbitrator) Member of The Society of Construction Arbitrators.

His principal areas of expertise are construction, engineering and professional negligence disputes arising out of major capital projects including nuclear, gas and electric power stations, major offshore facilities, bridges, motorways, railways, tunnels, dams, reservoirs, airports, commercial, chemical, and other heavy engineering projects, computer systems, and commercial buildings of all sorts. He acts for and against all parties to the construction process, including foreign and domestic government departments, owners, employers, architects, engineers, surveyors, project managers, contractors, sub-contractors and insurers. He has extensive experience of adjudication. He has advised on, and has helped resolve disputes arising from, all major forms of building, transport and engineering contracts.

Martin has been recognised for many years by the legal directories, Chambers and Partners Guide to the Legal Profession and The Legal 500, as a leading silk in the fields of construction and professional negligence.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

In recent years Martin's practice has mainly been concerned with international commercial arbitration acting for overseas commercial clients and governments in a series of ICC arbitrations or other international arbitrations where the claims have been in excess of \$400 million. His role has been as lead advocate acting with the assistance of teams of foreign and/or English lawyers. These disputes involved complex engineering, insurance and financial issues requiring large numbers of expert witnesses based in many different jurisdictions.

As part of his general domestic practice in recent years, he has advised upon all forms of standard form contracts and has drafted various engineering and construction contracts. He has also been asked to advise in respect of substantial procurement and PFI contracts, and has been instructed in respect of numerous TCC trials, adjudications and arbitrations, and various applications to enforce or to resist the enforcement of adjudication decisions and arbitration awards.

He has also been appointed by the Chairman of the Bar and the President of the Royal Institute of Chartered Surveyors to sit on tribunals, and to act as adjudicator and arbitrator in respect of major construction and engineering disputes.

INTERNATIONAL

- Acting in a DIAC arbitration relating to a dispute over the termination of a construction to build a residential tower block in the Middle East in a claim valued at in excess of \$70m.
- Successfully acted in relation to a DIAC international arbitration, with a Dubai seat. Represented the respondent engineering contractors in a \$100m dispute over an unfinished tower block in Dubai.
- Appointed as an ICC arbitrator in respect of disputes in Dubai, The Dominican Republic and Ethiopia.
- Advising and acting in relation to disputes arising from:
 - Harbour redevelopment works in Tanzania.
 - A housing development in the Republic of Gabon.
 - A reservoir and dam in Cyprus.
 - Sewers and drains in Bangkok.
 - A potash and magnesium oxide plant in Jordan.
 - Construction and engineering disputes in Russia.
 - A power station in Singapore.
 - A power station in Iraq.

DOMESTIC

- Acted in expert determination on appropriate fire protection/remedial works at major naval base.
- Harbour redevelopment works in UK.

- Advising and representing a client in disputes regarding acceleration claims, delay claims and loss and expense claims at Wembley Stadium.
- Advising and representing a client in respect of a major quantum meruit claim arising out of the design and construction of Coventry Football Stadium.
- Advising and representing Associated British Ports in the successful defence against a clause 12 claim advanced by the European designers of the dock-strengthening works at Southampton.
- Advising and acting in relation to disputes arising from:
 - Various motorway construction claims.
 - Major water and sewage treatment plants.
 - Loss and expense claims arising from shopping centre redevelopments, road construction and road maintenance contracts, and numerous commercial developments.

ENERGY, NATURAL RESOURCES AND UTILITIES

He has broad experience representing domestic and international contractors on disputes arising out of the development and exploration of oil and gas fields all over the world, and the design and construction of power stations. His recent cases include:

- Advising and representing contractors on claims regarding a combined cycle power plant at Little Barford, Cambridgeshire.
- Advising main contractors in the resolution of various final account claims at two British nuclear power plants.
- Advising and representing domestic and foreign contractors in respect of numerous nuclear, electricity, waste-to-power and combined cycle power stations.
- Advising on various defects, delay and measurement disputes relating to offshore oil rigs, oil and gas pipeline contracts, and FPSO units.
- Advising on claims for defective computer installations at oil refineries, power stations and defence installations.
- Advising and representing domestic and international clients in respect of major claims arising out of the construction of LNG plants.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Martin's practice also encompasses a substantial number of computer, IT and related disputes. He has advised in respect of, and settled, contracts for the installation of new computer systems as well as preparing and drafting final settlement agreements in respect of disputes involving under-performing computer systems.

In recent years he has been instructed in the following matters:

- Advising and representing a foreign contractor in respect of a defective computer installation at a major international airport.

- Advising and helping resolve claims arising out of a defective computer installation used throughout a major water authority.
 - Advising and representing a computer supply company in respect of major claims arising out of procurement errors committed by the British Government in respect of multi-million-pound procurement contracts for computer services for the Ministry of Defence.
 - Advising on an action in respect of defective software for a major transport operator.
 - Advising on claims for defective computer installations at oil refineries, power stations and defence installations.
 - Advising on claims arising out of the termination of a £900m NHS IT contract.
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PROFESSIONAL NEGLIGENCE

He has experience acting for or against a wide range of professionals including engineers, architects, surveyors, accountants, solicitors and financial services advisers in numerous multi-million-pound professional negligence actions. Recent cases include:

- Acting for developers against a firm of solicitors, who having taken advice from a specialist construction QC, advised that they could terminate a contractor's employment to construct a block of flats in Manchester.
 - Acting for geotechnical engineers resisting claims for alleged negligence in respect of ground stabilisation design works.
 - Acting for the engineers engaged in connection with the design and construction of the Tesco Store at Gerrards Cross.
 - Acting for the engineers engaged in connection with the re-development of the Birmingham Children's Hospital.
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TRANSPORT

- Advising and representing Costain in respect of claims arising out of the new runway on Ascension Island.
- Advising and representing the engineers responsible for the design of the second runway in Manchester.
- Advising and representing Jarvis on numerous adjudications arising out of their renewal and maintenance contracts with Railtrack and Network Rail.
- Advising and representing in respect of various claims arising out of bus and tram operation contracts.
- Advising and representing London Underground in respect of an action regarding defective computer software.
- Advising and representing engineers responsible for the design of three Jubilee Line underground stations.

GENERAL COMMERCIAL

- Advising and representing the Cameroon Government in successfully setting aside an ICC Arbitral Award made in favour of Transnet Limited of South Africa who had bought maintenance contracts in respect of Cameroon Airlines aircraft through bribes and corruption.
- Advising and representing minority shareholders in claims against majority shareholders in a company which owned and managed a hospital in Dubai.
- Advising and representing a party allegedly in breach of a facility agreement and associated documents governed by the law of Abu Dhabi and Saudi Arabia.
- Advising and representing a NHS Trust in an adjudication concerning a company's entitlements to a price adjustment of £40million under the terms of a PFI contract.

NOTABLE CASES

Philip Freeborn, Christina Goldie v Daniel Robert De Almeida Marcal (Trading as Dan Marcal Architects) [2019] EWHC 454 (TCC) (sitting as Deputy High Court Judge of the TCC)

Burgess & Anor v Lejonvarn [2018] EWHC 3166 (TCC) (sitting as Deputy High Court Judge of the TCC)

Stelio Stefanou v A Culmer Fixing Service Limited [2018] EWHC 2208 (TCC)

Imperial Chemical Industries Ltd v Merit Merrell Technology Ltd (Costs) [2017] EWHC 2299 (TCC)

Imperial Chemical Industries Ltd v Merit Merrell Technology Ltd [2017] EWHC 1763 (TCC)

Hastings Borough Council v Manolete Partners PLC [2016] UKSC 50

Amey LG Limited v Cumbria County Council [2016] EWHC 2856 (TCC)

Southern Gas Networks PLC v Thames Water Ltd [2016] EWHC 1669 (TCC)

Ampleforth Abbey Trust v Turner & Townsend Project Management Limited [2012] TCLR 8

PHI Group Limited v Robert West Consultancy Limited C.A. [2012] BLR 329

Whesoe Oil & Gas Limited v William John Dale [2012] PNLR 33

Vision Homes Limited v LancsVille Construction Limited [2009] BLR 525

Galliford Try Infrastructure Ltd v Mott MacDonald [2008] 120 ConLR 1

Haden Young Ltd v Laing O'Rourke Midlands Ltd [2008] ABC LR 05

Multiplex Construction (UK) Ltd v Honeywell Control Systems Ltd [2007] BLR 195

Multiplex Construction (UK) Ltd v Honeywell Control Systems Ltd [2007] BLR 167

Associated British Ports v Hydro Soil Services [2006] All ER (D) 269

(1) **Taylor Woodrow Holdings Limited (2) George Wimpey Southern Counties Ltd v Barnes & Elliott Ltd** [2006] BLR 377

Baker & Davies PLC v Leslie Wilks Associates [2005] 3 AER 603

Jarvis Facilities Ltd v Alston Signalling Ltd [2004] 95 Con LR 55

Cameroon Airlines v Transnet Ltd [2004] EWHC 1829 (Comm)

QUALIFICATIONS AND AWARDS

2020	Accredited TECBAR adjudicator, arbitrator, and DRB member
2018	Full (Arbitrator) Member of The Society of Construction Arbitrators
2015 - 2017	Chair of TECBAR
2015	Fellow of the Dispute Board Federation (DBF)
2014	Recorder (Family)
2013 - 2015	Vice-Chair of TECBAR
2004	Deputy High Court Judge, Technology and Construction Court
2003	Recorder (Civil)
2000	Queen's Counsel
1980	Called to the Bar (England and Wales) Inner Temple
1978	BA (Oxon) Philosophy, Politics and Economics, Pembroke College, Oxford

LEGAL TEXTS

Editor: *International Construction Law Review* published by Lloyds of London 1983-87

Editor: *Hudson's Building and Engineering Contracts* 12th Edition

Contributor: *Contemporary Issues in Construction Law Volume III*

Contributor: *Construction Law Handbook* published by Thomas Telford Publishing

ADDITIONAL INFORMATION

Martin was Chairman of TECBAR 2005-2017. He is a member of COMBAR, the SCL and a Fellow of the Dispute Board Federation. In 2018 he was elected a full (Arbitrator) Member of The Society of Construction Arbitrators.

RECENT RECOMMENDATIONS

"An excellent and very astute lawyer, and a subtle and effective operator in court." "A great legal mind and great on his feet too." "A silk who takes into account the commercial reality of disputes, is good with clients and is prepared to argue a client's case sensibly."

Construction, Chambers UK Bar and Global 2020

"An excellent strategist and extremely adroit at handling tribunals."

Construction, The Legal 500 2020

"Tenacious and inventive."

Professional Negligence, The Legal 500 2020

"A forensic cross-examiner who likes to get into the detail."

Construction, Chambers UK Bar 2019

"At the top of his game: he wants to win his cases and he does so."

Construction, The Legal 500 2019

"He is extremely commercial and can see the bigger picture."

Professional negligence, The Legal 500 2019

"An extremely bright barrister who is creative and prepared to give strong advice."

Construction, Chambers UK Bar 2018

"He has a very good grasp of the issues and quickly soaks up and absorbs the information and works out what is important and isn't. He is good at cross examining and clearly putting across a case forward. He is also very organised and clear."

Professional Negligence, Chambers UK Bar 2018

"He provides a very commercial and lateral-thinking approach."

Construction, Chambers Global 2018

"Quick to cut to the key issues and a strong cross-examiner, he always produces good outcomes."

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2018

"He swiftly cuts to the real issues and understands the commercial levers at play in every case."

Construction, The Legal 500 2017

"Imaginative, determined and legally very bright."

Professional Negligence, The Legal 500 2017

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.