



CONSTRUCTION, ENGINEERING AND  
INFRASTRUCTURE  
PROFESSIONAL NEGLIGENCE  
INFORMATION TECHNOLOGY AND  
TELECOMMUNICATIONS  
INTERNATIONAL ARBITRATION  
GENERAL COMMERCIAL  
ARBITRATOR, ADJUDICATOR, MEDIATOR

## Nicholas Baatz QC

Call Date: 1978, Silk: 1998 // [nbaatz@atkinchambers.com](mailto:nbaatz@atkinchambers.com)

---

### PRACTICE

Nicholas Baatz QC is a highly-effective commercial advocate practising in major infrastructure and technology disputes.

He has represented clients before the UK Courts and international and domestic arbitral tribunals. He has appeared as lead advocate in disputes conducted under ICC, LCIA, LMAA and other principal rules. He is regarded as a skilled strategist who provides clear and practical advice, particularly in relation to the interpretation of commercial contracts. He regularly advises and acts as advocate in relation to issues arising out of bespoke and standard form contracts including the FIDIC (Red, Yellow, Silver, White and Gold), ICE, JCT, NEC 3, I Chem E, I Mech.E, RIBA, ACE and Government forms.

He is described as *"a first-class silk who delivers thoughtful and strategically relevant advice"*, an *"excellent lawyer with absolutely brilliant client skills"* (Chambers and Partners) and *"an extremely talented silk"* (The Legal 500)

His cases are usually complex and frequently involve foreign laws.

He has been consistently recommended in the leading legal directories.

#### Chambers UK Bar

*"Nicholas has exceptional legal knowledge, excellent advocacy skills and is very pleasant to deal with. He never fails to add a huge amount of value."* - Construction

*"A great strategist."* - Professional Negligence

*"Strategy is where he scores, and he is very responsive." "He has a massive command of all the detail, and clients find him very calm and reassuring."* - Information Technology

## The Legal 500

*“A persuasive advocate, who rapidly assimilates facts and immerses himself thoroughly in every case.”* - Construction

*“An extremely talented silk.”* - Professional Negligence

*“An excellent advocate.”* - IT and Telecoms

In addition to acting as counsel, Nicholas Baatz QC acts as an adjudicator, mediator and arbitrator.

---

## CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Significant cases include acting for a wide range of clients:

### CONSTRUCTION

- **Management Company Limited v Zurich Insurance Plc Trading as Zurich Building Guarantee and Another** (TCC 2018-2019) see:
  - [2019] EWHC 140 (TCC); [2019] 1 WLUK 321
  - [2019] EWHC 205 (TCC); [2019] 2 WLUK 88
  - [2019] EWHC 257 (TCC); [2019] 2 WLUK 242
- Insurance Company in defence to claim in respect of claims by freeholders and leaseholders in respect of multiple alleged defects in numerous high value flats in central London. **Green Oasis International Company Limited and Others v Northacre PLC and Others** (TCC 2017-continuing)
- Developer in connection with disputes arising out of construction of the new Bullring in Birmingham, **The BullRing Limited Partnership and Others v Laing O’Rourke Midlands Limited and Others** (TCC 2017-2018). See for interlocutory **The BullRing Limited Partnership and Others v Laing O’Rourke Midlands Limited and Others** [2016] EWHC 3092 (TCC).
- Project Finance Initiative (PFI) Design & Build Contractor in claim against structural and civil engineers in relation to the design of works to be undertaken in the provision of an educational institution, **Costain Ltd & Ferrovia Agroman (UK) Ltd v Sinclair Knight Merz (Europe) Ltd** TCC 2018.
- Housing associations in connection with issues arising out of cladding following the Grenfell Tower fire (2017).
- Piling sub-contractor in dispute concerning one of Europe’s largest packaging and distribution centres, **Accolade Wines v VolkerFitzpatrick Ltd and Others** (TCC 2015).
- Employer in dispute about structural defects in city centre shopping, leisure and residential complex, **CIP Properties (AIPT) Ltd v Galliford Try Infrastructure Ltd & Ors** (TCC 2014-2015).
- Contractor in claim for extensions of time and loss and expenses arising out of disputed responsibility for electrical design at major educational and arts complex (JCT SBC 2011 Contract with Contractors’ Design).

- Developers in multiple adjudications and subsequent tripartite arbitration and TCC proceedings against contractors and consultants in connection with a substantial central London commercial development.
- Contractor in connection with a dispute about design and delay issues arising out of the restoration and regeneration of the heritage Bath Spa building.
- The Natural History Museum in connection with a fitness for purpose dispute in relation to an air-conditioning installation for an installation for the storage of ancient preserved animals and artefacts.
- Project Co in respect of NHS Trust claim against Project Finance Initiative (PFI) Project Co for negligent design and construction throughout hospital complex of one of the largest acute and teaching hospitals in the UK.

## ENGINEERING

### ENERGY, NATURAL AND WASTE RESOURCES, ONSHORE AND OFFSHORE STRUCTURES PROCESS PLANT AND INDUSTRIAL PROCESSES

- International Contracting Consortium in relation to coastal Oil Refinery Engineering, Procurement and Construct (EPC) contracts (2018-2019).
- Employer in connection with construction of solar power farms in the Middle East (2018 and continuing).
- Employer in relation to substantial biomass projects (2018).
- Employer in relation to feedstock and performance issues at waste-to-energy Plant (IChem E arbitration 2018).
- Contractor for oil rig refurbishment in Caribbean arising out of employer's termination of a contract for the substantial refit and upgrade of a jack up oil rig operating in the Gulf of Mexico. (LMMA arbitration).
- European subsidiary of US software supplier concerning Distributed Control System for an industrial plant cogeneration power plant (ICC arbitration).
- Employer in dispute concerning termination of contract for construction of plant producing biomethane by anaerobic digestion to qualify for the Renewable Heat Incentive scheme.
- The Coal Authority for alleged subsidence caused to Wentworth Woodhouse by deep and open cast coal mining in the Barnsley Fault, Yorkshire.
- Contractor in arbitration concerning oil refinery construction in Caribbean (Offshore and Onshore contracts) (ICC arbitration).
- Supplier of onboard LNG storage (liquefied natural gas) containers vessels for fleet of bulk LNG carrying vessels.
- National Grid Gas in a case arising out of works for the construction of a gas pipeline.
- Japanese contracting company in arbitrations concerning technical issues engaged by the alleged self-destruction of turbine blades due to harmonic stress caused by resonance at the

operating frequencies of the UK Grid.

- Fabricator of key metallurgical components of a hydraulic jacking system for an offshore accommodation vessel in the Irish Sea in a “fitness for purpose” dispute.
- Sub-contractor in a dispute concerning an alleged discrepancy between the designed and actual efficiency of the process for the generation of electrical energy from the combustion of waste tyres.
- Engineering sub-contractor in relation to disputes concerning probably the largest LNG plant in the world.
- Car manufacturer in connection with dispute arising out of supply and installation of car production lines.
- Manufacturer of linings for steel blast furnaces in connection with dispute concerning fitness for purpose.
- Contractor in a dispute concerning the extraction of methane gas from exhausted mine workings.
- Contractor in relation to works comprising the dismantling and removal of toxic material from a wrecked cruise ship where due to the prolonged submersion of the wreck, toxic and non-toxic material had become inextricably mixed.

## INFRASTRUCTURE

- Far Eastern Government employer in relation to works comprising the design and construction by international joint venture of very large diameter road tunnels and approach roads (several kilometres long) through and over various ground conditions and associated civil, structural and building works and incidental works.
- Contractor in relation to works comprising the construction of underground railway tunnel in London. Claims arising out of uncertain ground conditions consequent upon London’s long and obscure history as a built environment.
- Coastal Authority in connection with variations claims in an ICE arbitration about sea defences.
- Contractor in relation to tunnelling work for the sub Thames section of the Channel Tunnel Rail Link (St. Pancras- Gare Du Nord).
- Commercial owners of listed buildings affected by the tunnelling of the Jubilee Line Extension in London.
- German manufacturers in connection with a dispute arising out of the provision of rolling stock for the District Line in London.
- German contractors in connection with a dispute about design responsibilities under ICE Design and Construct conditions incorporating Network Rail conditions in relation to an upgrade of a commercial railway.
- National track maintenance contractor in dispute about track inspection and maintenance obligations following the Hatfield Rail disaster.
- An engineering consultancy in a dispute arising out of the Croydon Tramlink.

- Airport Authority in connection with a contract for the design and construction of remote stands at Airport Terminal.
  - Contractor in connection with failure of cast steel components of the Clyde Arc Bridge.
  - International joint venture in connection with disputes arising out of the Second Severn Crossing.
  - Commercial dock operator in a dispute about dredging and conversion of a dock to provide Ro-Ro terminal and ship breaking yard.
- 

## PROFESSIONAL NEGLIGENCE

- Employer in connection with claims against architects and engineers in connection with iconic city centre department store.
  - Employer in connection with claims against architects and engineers in connection with shopping, leisure and residential complex.
  - Employers concerning professional negligence of project managers and quantity surveyors arising from the construction of a major commercial office development in central London.
  - Contractor in a case concerning the destruction by fire of a supermarket development.
  - Architects in a claim for fees for the design of a chain of cinema complexes.
  - Contractors in cases concerning the collapse of building works and cranes.
- 

## INFORMATION TECHNOLOGY

- Global IT company in dispute concerning Distributed Control System used to control Co-Generation Power and Process Plant. (ICC arbitration Paris).
- Insurance company concerning potential determination of contract for design and supply of IT services under an Agile methodology.
- IT contractor in relation to dispute arising out of a framework agreement concerning Business Process Outsourcing services and information technology software for the financial services industry.
- Government employer in claim for damages for repudiatory breach and for delay in connection with a multi-site IT implementation, (supposed to be the largest civil IT implementation at the time).
- Atos in a claim arising out of a pan-European software implementation for Avis' car hire business and the way in which Enterprise Resource Planning software was configured, customised and outsourced.
- International defence contractor in connection with a dispute arising out of the fitness for purpose of a radio frequency based system (software and hardware).
- Consortium of international banks in connection with a dispute about the design and construction of software for a worldwide banking settlement services organisation.

- National software house in a dispute concerning the design and installation of a relational database management system.
  - International telecommunications contractor in connection with a dispute about delivery of a new telecommunication system.
- 

## INTERNATIONAL ARBITRATION

- Software supplier of Distributed Control System for an industrial plant cogeneration power plant (ICC arbitration Paris).
  - Contractor for oil rig refurbishment in Caribbean (LMMA arbitration).
  - Contractor in arbitration concerning oil refinery construction in Caribbean (Offshore and Onshore contracts) (ICC arbitration).
  - International contractor in ICC arbitration proceedings against international consortium including China National Petroleum Corporation concerning an oil pipeline and associated storage, pumping and tanker marine terminal loading facilities.
  - Swiss designers in an ICC Arbitration concerning the design of a Vitamin C production plant in India.
  - International electrical engineering company in an ICC arbitration in connection with allegations as to defects in a communications and control installation (lack of availability and mean time between failure) for a mass transit railway.
  - International contractor in connection with a dispute about delays, loss and expense and variations arising out of the construction of interchanges, underpasses and spur roads for a capital city road ring in the Middle East, under the laws of the UAE.
  - Civil engineering contractor in a dispute arising out of the construction of a cereals and fertiliser storage and handling terminal at an East African port under the law of the Republic of Kenya.
  - International joint venture in an LCIA arbitration concerning the fitness for purpose of insulating materials used in turbine generator sets.
- 

## GENERAL COMMERCIAL

- Bondsman in connection with call of performance bond.
- Contractor in connection with sub-contractor's parent company guarantee and its proper law.
- Manufacturer in a dispute about the interpretation of the payment terms of an agreement to supply energy in various forms.
- Data storage and handling contractor in relation to the terms of an agreement licensing the use of data for analysis for commercial purposes.
- International bank in connection with claims based on collateral warranty and financing documents.
- International power company in a dispute about the interpretation of price fluctuation clauses

linked to the cost of gas in an energy supply contract.

- Services outsourcing contractor in an arbitration under LCIA Rules about set offs under 'umbrella' term contract for services.

---

## ADJUDICATOR, MEDIATOR, ARBITRATOR

Mediations conducted include:

- Successful mediation of a delay dispute under the JCT conditions.
- Mediation of dispute concerning airport baggage handling facilities.

Significant published determinations have included:

- Award in respect of interpretation and rectification of a contract for process plant in Middle East (ICC, appointed by the parties) (2019).
- Award in relation to jurisdiction (DIAC party appointed) (2018).
- Award in respect of currency fluctuation provisions in an engineering contract (appointed by the President of RICS).
- Award in respect of the design and construction of paint factory (appointed by the Institution of Chemical Engineers).
- Award in relation to disputes as to variations, delay and liquidated damages under a construction contract (appointed by the President of the Chartered Institute of Arbitrators).
- Award in respect of disputes arising out of the construction of a laboratory in Cambridge (appointed by the parties).
- Decision in relation to the design of a city centre light rail infrastructure pursuant to a PFI agreement (appointed by the parties).

---

## QUALIFICATIONS AND AWARDS

Queen's Counsel

Barrister

M.A. (Jurisprudence) and BCL, Oxford University

Fellow of the Society for Advanced Legal Studies London

Adjudicator (TecSA and TECBAR)

Accredited Mediator (TECBAR)

Dispute Resolution Board Member (TECBAR)

Panel member London Court of International Arbitration

Party appointed DIAC and ICC arbitrator

## LEGAL TEXTS

Nicholas Baatz QC has written and presented numerous papers including for the UK Ministry of Justice, the Bar Council, UK and Hong Kong Societies of Construction Law, the Journal of the Society for Computers and the Law, the Construction Law Summer School, Cambridge and others. Recent work includes:

*“Belt and Road Investment Projects - Strategies for Working Together”* Bar Council Training Scheme for Senior Chinese Lawyers, June 2019

*“Summary Judgment, Preliminary Issues and Adjudication”* TECBAR Adjudication Training Day, May 2019

*“What are indemnity clauses for?”* Building Magazine, March 2018

*“Who gets the money? when a main contractor goes into liquidation.”* Building Magazine, Jan 2018

*“Indemnities in Construction and Infrastructure Contracts’ following the case of Arnold v Britton.”* SCL Edinburgh May 2017

*Brexit means... Arbitrate not Litigate?* Building Magazine, December 2016

*“Factual: and “Legal” Causation in Construction and Infrastructure Law: A Thorny Subject.”* Society of Construction Law, London, November 2016

Notification of Claims – Dubai, April 2016

NEC3 – Lexis Webinar, January 2016

*“Perplexing the Lawyers”* Complex Causation and Loss, December 2013

*“Project Security”* Lexis Webinar, May 2012

*The Changing Role of the Professional – International Trends.* Hudson Conference, Dubai, April 2012

*Contract as “process” The NEC 3 Contract Potential Defaults.* Hudson Conference, Dubai, April 2012

Nicholas Baatz is a past Editor of the *Building Law Reports* (1986 – 1998) of the *Technology and Construction Law Reports* (1999 – 2002) and of *Current Law* (1980 – 2000). He was a contributing Editor to Hudson’s *Building and Engineering Contracts* (12<sup>th</sup> Edition).

---

## RECENT RECOMMENDATIONS

*“A first-rate lawyer and a tenacious and fearless advocate.” “He is stellar. He’s ridiculously knowledgeable and able to grasp a lot of factual information and produce advice that is to the point.”* Construction, Chambers UK Bar 2020

*“He’s extremely imaginative, very strong on the law, very determined and tireless in terms of pursuing points.”*  
Professional Negligence, Chambers UK Bar 2020

*"Really impressive on his feet."*

Information Technology, Chambers UK Bar 2020

*"Grasps complex, technical issues quickly."*

Construction, The Legal 500 2020

*"He grasps complex technical issues quickly and always proves to be a valuable addition to the team."*

Energy, The Legal 500 2020

*"He is painstakingly forensic in his analysis of the legal issues arising from an IT dispute."*

IT & Telecoms, The Legal 500 2020

*"He is very bright and is ideal for complex cases."*

Professional Negligence, The Legal 500 2020

*"He is particularly good on the details of a case and gets to the bottom of the issues."*

Construction, Professional Negligence, Chambers UK Bar 2019

*"Strategy is where he scores, and he is very responsive."*

*"He has a massive command of all the detail, and clients find him very calm and reassuring."*

Information Technology, Chambers UK Bar 2019

*"He formulates imaginative legal solutions and is very tenacious advocate."*

Construction, The Legal 500 2019

*"An extremely talented silk; he formulates imaginative legal solutions and is a very tenacious advocate."*

IT and Telecoms, The Legal 500 2019

*"An extremely talented silk."*

Professional Negligence, The Legal 500 2019

*"Nicholas has exceptional legal knowledge, excellent advocacy skills and is very pleasant to deal with. He never fails to add a huge amount of value." "Excellent lawyer with absolutely brilliant client skills."*

Construction, Chambers UK Bar 2018

*"A great strategist." "He's a clear and incisive thinker who provides virtually instantaneous turnaround of papers."*

Information Technology, Chambers UK Bar 2018

*"A great strategist." "He is a boffin. If there is an obscure point of law, he'll find it."*

Professional Negligence, Chambers UK Bar 2018

# AtkinChambersBarristers

*“A persuasive advocate, who rapidly assimilates facts and immerses himself thoroughly in every case.”*

Construction, The Legal 500 2017

*“An excellent advocate.”*

IT and Telecoms, The Legal 500 2017

*“Great attention to detail.”*

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.