



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY, NATURAL RESOURCES AND UTILITIES
PROFESSIONAL NEGLIGENCE
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
ADR APPOINTMENTS

Nicholas Dennys QC

Call Date: 1975, Silk: 1991 // ndennys@atkinchambers.com

PRACTICE

Nicholas is a leading specialist in construction, civil engineering, international arbitration, professional negligence and information technology together with related areas such as insurance, sale of goods, insolvency, transport and energy.

He acts as advocate and advisor domestically and overseas in court and arbitration proceedings concerning major construction, engineering, IT, road and rail transport, infrastructure, and oil and gas projects. Overseas disputes commonly involve international corporations and joint ventures, and governmental or quasi-governmental bodies. He has appeared in arbitrations conducted in various parts of the world under LCIA, ICC, HKIAC, SIAC and UNCITRAL rules.

He also acts as arbitrator, adjudicator and mediator. He has acted as party-nominated arbitrator, chairman and sole arbitrator on numerous occasions in domestic and international disputes and conducts adjudications early neutral valuations and other forms of dispute resolution.

He has been involved in disputes involving foreign law including in India, Hong Kong, Singapore, UAE, USA (including New York, Texas, California), Europe (including Spain and Poland), South Africa and Gibraltar.

Nicholas has been recognised for many years by the legal directories, Chambers and Partners (UK, Global and Asia) as well as The Legal 500, as a leading silk in the fields of construction, professional negligence, international arbitration, professional negligence and information technology.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Nicholas has extensive and wide-ranging experience of construction and civil engineering disputes, involving major projects of all types. Case examples include:

INTERNATIONAL

- Acted in a series of substantial arbitrations in Hong Kong relating to a dispute between the domestic developer and a local contractor concerning issues relating to government consents for tree felling defects loss and expense claims, final account and completion.
- Acting on a UNCITRAL rules arbitration concerning a contract to build and operate a process plant and supply products to the Thai subsidiary of a Swiss food company for a Thai contractor under Thai substantive law in claims valued at c.US\$300million due to be heard in Singapore.
- Airport buildings for Middle East redevelopment of transport hub.
- Bridge construction in Far East.
- European airport redevelopment.
- Acted for a Portuguese joint venture against the Polish Government in an ICC arbitration in Warsaw arising out of major infrastructure project.
- Acted for the ship-owners in a high-value and long-running dispute between Singaporean shipbuilders and Dutch ship-owners.
- Acted in an ICC arbitration which was the subject of several hearings between two major Japanese corporations concerning claims arising from construction of state of art plastics in UK.

DOMESTIC

- Destruction of confectionary factory by fire, **Trebor Bassett Holdings Ltd v ADT Fire & Security** [2011] BLR 661.
- Termination/alleged frustration Redevelopment Agreement, **Gold Group Properties v BDW Trading Ltd** [2010] BLR 235.
- Instructed to lead the counsel team to act for PC Harrington, the concrete sub-contractor, in part of the Wembley Stadium litigation, **PC Harrington Contractors Ltd v Multiplex Constructions (UK) Wembley**.
- Dispute over environmental and fire controls at Heathrow Terminal 5. Final account dispute valued circa £80m.
- Mixed office, retail and domestic development in Central London.
- The development of large site in UK city centre.
- Edinburgh tram project.

ENERGY, NATURAL RESOURCES AND UTILITIES

Nicholas has considerable experience of both domestic and international disputes regarding utilities and oil and gas particularly in relation to the design and construction of on and off-shore installations. Cases include:

- Marine installation of power distribution system for offshore wind farm.
- Petrochemical process plant in the North East of England.
- Two thermal power plants in India.
- Extraction and supply of marine aggregates to Russian Federation.
- Acting for an oil company in disputes relating to offshore facility in Gulf of Mexico.
- Bioethanol Plant in the North East of England

PROFESSIONAL NEGLIGENCE

Nicholas has acted in a number of disputes of alleged professional negligence between construction professionals and their advisors. A number of his leading cases include:

- **Co-Operative v John Allen Associates** [CA 2011].
- Acting for defendant architects in the TCC and in the Court of Appeal in relation to a claim by the occupier of a distribution warehouse arising out of a flood. Issues included the scope of an architect's duty of care to 'subsequent' occupiers and the relevance of the opportunity for intermediate examination and discovery of design defects, **Pearson Education Ltd v The Charter Partnership Ltd** [2006] PNLR 14 (TCC), [2007] EWCA Civ 130 (CA).
- Acting for the architects in an alleged negligence claim by Baxtall in relation to the proper approach to duties of care owed by design professionals to 'subsequent occupiers' for property damage, **Baxall Ltd v Sheard Walsh Partnership & Others** [2002] BLR (CA).
- Acting on a claim for alleged negligence of architects for subsequent fire damage, **E Turner & Sons v Watkins** [2001] TCLR (CA).
- Acting on a negligence claim regarding the obligations of developer, project manager and architect to a contractor for cost overruns, **Jarvis Ltd v Castle Wharf & Others** [2000] PNLR (CA).

INFORMATION TECHNOLOGY AND TELECOMS

Nicholas has considerable experience in the IT and telecommunications' field acting on disputes in relation to telecommunication systems and computer software and hardware systems for many big household names, including Accenture, LCH Clearnet, T-Mobile, Unisys, Liberata, BBC and UBS. Cases include:

- Dispute over supply of broadband equipment in Far East.
- Traffic control system in Middle East.

- Implementation of a new Governmental software and hardware system in Far East.
 - IT systems failure at a major commercial and clearing bank based in UK.
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ADR APPOINTMENTS

Africa

- Appointed as President of an arbitral tribunal (UNCITRAL, South Africa) concerning the sub-contract relating to air-cooled condensers installed in a coal-fired power station in South Africa.
- Appointed as party nominated arbitration (UNCITRAL Rules, Ethiopia) regarding a highway in Ethiopia.
- Appointed to a three person DAB in respect of two power stations in South Africa

Asia

- Appointed as party-nominated arbitrator (ICC, Hong Kong) in respect of dispute relating to the supply and purchase of telecommunication equipment.
- Appointed as sole arbitrator in respect of HK\$ multi-million claims arising out of a project for one of the world's longest cable-stayed highway bridges.
- Appointed as party-nominated arbitrator (LCIA) in respect of claims resulting in the renovation of a thermal power plant in East Asia.
- Appointed as sole arbitrator in respect of the implementation of a new governmental software and hardware system in Far East.

Europe

- Appointed as sole arbitrator in dispute arising from the design and construction of a UK water treatment facility.
- A dispute regarding the construction of a thermal power station based within the UK under a PFI agreement (LCIA Chairman).
- Appointed as adjudicator in dispute regarding the design, construction and commissioning of an offshore alternative energy project.
- Appointed as party-nominated arbitrator (ICC) regarding and offshore wind project in the UK.
- Acted as adjudicator in various disputes relating to road and rail construction including the M6 Tollway and London Underground.
- Acted as expert determinator in several cases including the A13 improvement work and an offshore wind facility.
- Appointed as adjudicator in connection with a dispute regarding the refurbishment of a 5-star hotel in London.
- Appointed as adjudicator in connection with a dispute regarding the design and construction of a high-quality residential and premium quality hotel development in London, comprising of two Towers of 57 and 42 storeys.

Middle East

- Appointed as party-nominated arbitrator (LCIA) relating to claims concerning the design, procure, construction and commission of a nuclear power plant in the Middle East. Claims circa US\$900million.
- Appointed as chairman of an arbitral tribunal (Adhoc, DIAC rules) regarding a breach of contract resulting from the 2008 financial crisis for the construction and completion of over 2,000 villas, townhouses and associated infrastructure at a development in the Middle East.
- Appointed as party-nominated arbitrator (LCIA) regarding the installation of pipelines in various power stations in the Middle East. Claims circa £1.5billion.
- Appointed as party-nominated arbitrator (DIAC) relating to claims during the construction of a luxury beachfront resort in the UAE. Claims circa AED\$150million.
- Appointed as party-nominated arbitrator (SIAC) relating to claims following the construction of a ring road in the Middle East. Contract sum US\$470million, claim circa US\$67million.
- Appointed a party-nominated arbitrator (ICC, Oman) regarding a major international airport in the Middle East. Claims in excess of US\$400million.
- Appointed as party-nominated arbitrator (ICC, Paris) regarding the design, construction, operation and maintenance of a domestic solid waste management centre located in the Middle East. Claims in excess of US\$230million.
- Appointed as party-nominated arbitrator (ICC) in respect of dispute relating to a dredging / engineering project.
- Appointed as party-nominated arbitrator (DIAC) concerning the design and construction of a mixed-use development comprising over 70 structures in the Middle East.
- Appointed as party-nominated (ICC) concerning a sewage treatment plant in the Middle East.
- Appointed as party appointed arbitrator in a dispute concerning the renovation of an airport in the Middle East.
- Appointed to three person DAB regarding the construction of a high-value, mixed-use commercial and residential development in Middle East.

QUALIFICATIONS AND AWARDS

2003	Bencher of Middle Temple
2000	Recorder
1997	Assistant Recorder
1970-1973	Brasenose College, Oxford (PPE)

RECENT RECOMMENDATIONS

"He sees things differently, bringing a useful fresh angle to some tricky problems."

Construction, Energy and Infrastructure, The Legal 500 Asia Pacific 2021

"He is outstanding in preparation." "He is impressive and definitive in advice, strong on his feet, strong on legal arguments and very clear in his responses to clients."

Construction, Chambers & Partners UK Bar 2021

"Got that super QC status! I would always use him." "He likes to win the unwinnable battles."

Energy, Chambers & Partners UK Bar 2021

"He's a top-rate arbitrator and is particularly impressive on high-value, multiparty arbitrations. He is super intelligent, responsive and turns things around very quickly." "A very experienced, easygoing, super smooth arbitrator."

International Arbitration: Arbitrators: Chambers & Partners UK Bar 2021

"Really on top of his game."

Information Technology, Chambers & Partners UK Bar 2021

"He is in high demand for his work as an advocate in construction-related cases."

Professional Negligence, The Legal 500 2021

"Brings a useful fresh angle to some tricky problems."

International Arbitration, The Legal 500 2021

"He is a very bright lawyer who sees the pattern of things with the benefit of many years of intense experience and does not follow the herd."

Energy, The Legal 500 2021

"He is authoritative and extremely hard-working."

Construction, The Legal 500 2021

"A fair minded arbitrator who has the ability to keep order as chairman." "A very well-experienced arbitrator."

International Arbitration, Chambers & Partners UK Bar 2020

"His advocacy is very strong and he is a capable speaker. He distils the information well and presents the case very strongly." "He is insightful about contracts and how to interpret them."

Energy & Natural Resources, Chambers & Partners UK Bar 2020

"Very intelligent."

Construction, Chambers & Partners UK Bar 2020

"Extremely knowledgeable, fair and straightforward."

Information Technology, Chambers & Partners UK Bar 2020

"A stand-out silk for APAC-related instructions."

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

"He is held in very high regard for professional negligence work."

Professional Negligence, The Legal 500 2020

"A standout barrister."

International Arbitration, The Legal 500 2020

"An independent and strategic thinker."

Construction, The Legal 500 2020

"An independent and strategic thinker with an ability to see things differently to the crowd."

Energy, The Legal 500 2020

"Very practical, user-friendly and easy to deal with." "Always gives you a straight answer."

Construction, Chambers & Partners UK Bar 2019

"A senior QC with a great ability to look far into the future of a dispute and plot strategy. His appreciation of the things best avoided in a case is very helpful." "A great tactician who adapts to the case extremely quickly and shapes his approach to be effective for the particular judge."

Energy and Natural Resources, Chambers & Partners UK Bar 2019

"Very practical, user-friendly and easy to deal with."

"Always gives you a straight answer."

International Arbitration, Chambers & Partners UK Bar 2019

"Has an original mind and way of looking at things; he does not just slavishly follow conventions. He also has great knowledge of case law." "A strong contender for factually complex cases involving big projects and major software implementations."

Information Technology, Chambers & Partners UK Bar 2019

"Very bright, likes a challenge and cares about the outcome. Inventive, hardworking and very persuasive in hearings."

Construction & Energy, The Legal 500 2019

"Quick to respond and approachable, and renowned for his expertise in the construction field."

International Arbitration, The Legal 500 2019

"Instructed in heavyweight transport infrastructure disputes."

Construction, The Legal 500 Asia-Pacific 2019

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.