



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

Rupert Choat

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PRACTICE

Rupert has specialised since 1997 in construction, engineering, PFI/PPP, energy and similar disputes. He has considerable experience in related claims involving professional negligence as well as bonds and guarantees. He has worked on disputes concerning projects in over 50 jurisdictions, with most of them governed by the local law. He is an experienced advocate from the English Court of Appeal to arbitration venues around the world.

Rupert is a practising arbitrator and has sat in ICC, LCIA, SCC, DIAC and ad hoc arbitrations. He has also acted as the expert in expert determinations. In addition, Rupert is a CEDR accredited mediator.

Rupert teaches on the MSc in Construction Law & Dispute Resolution at King's College, London.

Rupert was named Construction and Energy Junior of the Year at The Legal 500 UK 2018 awards. He has been ranked the No. 1 Thought Leader in Europe for two years running (Who's Who Legal Construction 2017 & 2018): he *"wins praise from clients for being "charming and talented". He is known to be "an exceptional talent" and "one of the foremost names in construction arbitration and litigation"*. He is highly-ranked by The Legal 500 and Chambers and Partners for construction, energy and international arbitration.

INTERNATIONAL ARBITRATION

- Co-counsel in an ICC arbitration concerning the design and construction of modules for six floating production storage and offloading units (FPSOs). Claims and counterclaims total over US\$ 250m.
- Counsel in two ICC arbitrations on a Middle Eastern power plant, for a total of c.US\$1bn.

- Counsel in an ICC arbitration concerning a major new airport in the Middle East worth c.US\$600m, including variations, extensions of time, delay and disruption costs.
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CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

- Counsel for Jersey developers in ad hoc arbitration over a final account for a high-specification, new-build residential project.
 - Counsel for a contractor regarding claims arising out of its work on a hotel in Libya, in arbitral and court proceedings.
 - Junior counsel for Hackney Empire Theatre and Lord Sugar on issues arising from a contractor entering administration before completing its refurbishment works, including claims against a bondsman.
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BONDS

- Counsel in **Lukoil Mid-East Ltd v Barclays Bank plc** [2016] B.L.R. 162 regarding the interpretation of an “on demand” bond and a call under it for US\$ 7m. The call concerned the late drilling of production wells in one of the world’s largest oil fields (in the Middle East).
 - Counsel in two TCC hearings regarding an injunction against calls on on-demand bonds (owing to alleged bad faith) concerning a power plant in Brazil; **Doosan Babcock Ltd v Comercializadora de Equipos y Materiales Mabe Lda** [2013] EWHC 3010 (TCC) and [2013] EWHC 3201 (TCC); [2014] B.L.R. 33.
 - Advising on whether a £5m bond for a London hotel development was an “on demand” bond and associated issues of interpretation and claiming under the instrument.
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PFI / PPP

- Lead Counsel in €250m arbitration against an East European state over bonus and completion date issues.
 - Counsel to a Project Company in adjudication proceedings on various multi-million pound issues arising under a UK hospital PFI project agreement.
 - Advising project companies on claims arising under military, waste and schools PFI/PPP projects (including one concerning the termination of a project agreement and sub-contract).
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ENERGY, NATURAL RESOURCES AND UTILITIES

ENERGY

- Counsel in TCC litigation concerning the proper interpretation of dispute resolution provisions and when an appointing body is said to have appointed a panel of experts who were not suitably qualified.

- Advising on contractual issues and multi-million euro claims concerning five separate European interconnector projects, including contractual adjudication proceedings.
- Advising an EPC contractor in relation to arbitral and associated court proceedings concerning a power plant in a former Soviet republic.

OIL AND GAS

- Counsel for a state in ICC arbitration proceedings for over US\$650m concerning an oil and gas project involving deficient wells and environmental damage as well as breaches of duties of good faith and concealment.
- Counsel in a SIAC arbitration for over US\$200m concerning the drilling of oil wells in the Persian Gulf (in particular, for providing offshore drilling vessels).
- Advising a joint venture on contractual issues and arbitral proceedings with regard to an oil and gas project in Central Asia.

PROCESS PLANT

- Counsel for a wastewater engineering contractor in £5m TCC litigation against its employer concerning a new build process plant. IChemE Green Book.
- Counsel in an LCIA arbitration on a US\$ 60m claim concerning a late and allegedly defective process plant in Southeast Asia and a bond call.
- Advising on the termination of a contract to construct a new process plant in South Asia and related issues.

WATER

- Counsel to EPC contractors on claims, including termination issues, regarding a US\$1bn+ project to deliver water to a capital city. Three separate international arbitrations with various subcontractors and international arbitration proceedings with the client for US\$400m.
- Counsel in an ICC arbitration against a Central African country concerning claims on a dam, water treatment plant and pipeline project.
- Counsel to an international contractor concerning a new desalination plant in Northwest Africa.

MINING

- Advising in relation to a contractor's multi-million dollar claims regarding a mining project in Russia.
- Advising on rock issues on a project in South America.
- Advising on contractual issues concerning a nickel mine in Africa and potential arbitral proceedings.

PROFESSIONAL NEGLIGENCE

- Counsel in litigation against architects and contractors concerning a negligently designed school.
 - Junior counsel to two major UK contractors and a PFI project company in professional negligence litigation against engineers for £35m regarding a defective road in the UK.
 - Counsel in a successful mediation concerning a claim against architects regarding their design of a supermarket destroyed by fire.
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INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Acting for a blue chip telecoms company in disputes and adjudications worth over £200m.
 - Advising on New Roads and Street Works Act 1991 claims.
 - Advising an international supplier of hardware/equipment to a new build plant in Russia on a multi-million euro dispute with its employer.
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TRANSPORT

- Counsel in an ICC arbitration regarding JV / Subcontract arrangements for the construction of a road in East Europe.
 - Counsel in an ICC arbitration concerning the termination of its contract in relation to works at two airports in SE Africa.
 - Advising on claims regarding various projects for rail and signalling work.
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GENERAL COMMERCIAL

- Counsel to one-half of a contractual JV in a dispute with the other half over an energy project in the Middle East, where the latter – in breach of duties of good faith - materially breached the JV agreement.
 - Advising a Kuwaiti supplier of equipment in relation to multi-million dollar contractual claims regarding a project in Iraq.
 - Counsel for a project company in an ICC arbitration regarding a contract with an East Asian company for the supply of equipment for a wind farm that was terminated owing to fraud, collusion and kickbacks (as the Arbitral Tribunal found, in ProjCo's favour).
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NOTABLE CASES

Broseley London Ltd v Prime Asset Management Ltd [2020] EWHC 944 (TCC)

Flexidig Ltd v M&M Contractors (Europe) Ltd [2020] EWHC 847 (TCC)

ISG Construction Ltd v Platform Interior Solutions Ltd [2020] EWHC 1120 (TCC) and EWHC 1310 (TCC)

Tecnicas Reunidas Saudia for Services and Contracting Co Ltd v The Korea Development Bank [2020] EWHC 968 (TCC)

Equitix ESI CHP (Sheff) Ltd v Veolia Energy and Utility Services UK Plc [2019] 183 Con. L.R. 129

Anchor 2020 Ltd v Midas Construction Ltd (2019) 184 Con. L.R. 215

Grandlane Developments Ltd v Skymist Holdings Ltd [2019] B.L.R. 363, 183 Con. L.R. 100

Skymist Holdings Ltd v Grandlane Developments Ltd [2019] B.L.R. 173, 183 Con. L.R. 78

Ground Developments Ltd v FCC Construcción SA [2016] EWHC 1946 (TCC); [2016] B.L.R. 532; 167 Con. L.R. 192; [2016] C.I.L.L. 3886

Deluxe Art & Theme Ltd v Beck Interiors Ltd [2016] EWHC 238 (TCC); [2016] B.L.R. 274; 164 Con. L.R. 218; [2016] C.I.L.L. 3808

Lukoil Mid-East Ltd v Barclays Bank plc [2016] EWHC 166 (TCC); [2016] 1 C.L.C. 791; [2016] B.L.R. 162; [2016] C.I.L.L. 3795

Mi-Space (UK) Ltd v Bridgwater Civil Engineering Ltd (BCE) [2015] EWHC 3360 (TCC)

Amec Foster Wheeler Group Ltd v Morgan Sindall Professional Services Ltd and Ors [2015] EWHC 2012 (TCC)

Al-Waddan Hotel Ltd v Man Enterprise Sal (Offshore) [2014] EWHC 4796 (TCC), [2015] BLR 478

ISG Construction Ltd v Seevic College [2014] EWHC 4007 (TCC); [2015] 2 All E.R. (Comm) 545; [2015] B.L.R. 233; 157 Con. L.R. 107; [2015] C.I.L.L. 3598

Doosan Babcock Ltd v Comercializadora de Equipos y Materiales Mabe Lda (formerly Mabe Chile Lda) [2013] EWHC 3010 (TCC) and [2013] EWHC 3201 (TCC); [2014] B.L.R. 33

UK Highways A55 Ltd v Hyder Consulting (UK) Ltd [2012] EWHC 3505 (TCC); [2013] B.L.R. 95; (2013) 29 Const. L.J. 234; [2013] C.I.L.L. 3296

Hackney Empire Ltd v Aviva Insurance UK Ltd [2012] EWCA Civ 1716; [2013] 1 W.L.R. 3400; [2013] B.L.R. 57; 146 Con. L.R. 1; [2013] 1 E.G.L.R. 101; [2013] 2 E.G. 66 (C.S.)

Hackney Empire Ltd v Aviva Insurance UK Ltd (No. 2, interest) [2013] EWHC 2212 (TCC); 149 Con. L.R. 213

Man Enterprise SAL v Al-Waddan Hotel Ltd [2013] EWHC 2356 (TCC); [2014] 1 Lloyd's Rep. 217

MBE Electrical Contractors Ltd v Honeywell Control Systems Ltd Queen's Bench Division [2010] EWHC 2244 (TCC); [2010] B.L.R. 561

Ringway Infrastructure Services Ltd v Vauxhall Motors Ltd Queen's Bench Division (No. 1)
[2007] EWHC 2421 (TCC) and (No. 2) [2007] EWHC 2507 (TCC); [2008] T.C.L.R. 2; 115 Con. L.R.
149; [2007] C.I.L.L. 2532

LEGAL TEXTS

Contributing editor for Global Arbitration Review's *Construction Arbitration*.

Columnist for the UK's industry weekly magazine, *Building*.

QUALIFICATIONS AND AWARDS

LLB Law (Hons), Warwick University

LLM Commercial Law (Hons), Cambridge University

Hardwicke and Sir Thomas Moore Scholar, Lincoln's Inn

Fellow of the Chartered Institute of Arbitrators

No. 1 Thought Leader in Europe (Who's Who Legal Construction 2017 & 2018)

Construction and Energy Junior of the Year (Legal 500 UK 2018 awards)

RECENT RECOMMENDATIONS

"A QC-level junior who is very practical and creative in finding solutions." "Rupert is very pragmatic and has strengths in understanding clients from his time in private practice. He is able to deal with complex issues quickly and efficiently."

Construction, Chambers & Partners UK Bar 2020

"He is thorough and hard-working with a detailed understanding of all of the issues involved."

Energy, Chambers & Partners UK Bar 2020

"He has an engaging style and is bright and thorough." "Very responsive and has a commercial approach."

International Arbitration, Chambers & Partners UK Bar 2020

"He is experienced, diligent and capable."

Construction, The Legal 500 2020

"Has a reputation as a very commercially minded barrister."

Energy, The Legal 500 2020

"A cerebral and creative counsel – now one of the leading juniors at the construction Bar."

International Arbitration, The Legal 500 2020

AtkinChambersBarristers

"Super hardworking and super clever."

Professional Negligence, The Legal 500 2020

"A top-quality advocate, in particular in cross-examination"

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2020

"He is bright, quick to answer, knowledgeable and meticulous. He gives an outstanding performance in cross-examinations especially."

"Rupert brings a huge amount of energy to bear and has an innovative way of seeing a case."

Construction, Chambers & Partners UK Bar 2019

"Very good at looking at problems in the round and taking a step back to appreciate the full picture rather than focus on the obvious legal points."

"He is bright, quick to answer, knowledgeable, meticulous and witty."

Energy, Chambers & Partners UK Bar 2019

"Great communicator, affable and bright, with a keen eye for detail."

Construction, The Legal 500 2019

"Provides accurate, concise and speedy advice."

Energy, The Legal 500 2019

"Gets stuck into the detail and provides creative legal arguments."

International Arbitration, The Legal 500 2019

"An intellectual heavyweight."

Professional Negligence, The Legal 500 2019

Rupert was named Construction and Energy Junior of the Year at The Legal 500 UK 2018 awards.

"He is very proactive and has an excellent grasp of the tricky nuances of major commercial disputes."

Construction, Chambers & Partners UK Bar 2018

"Rupert considers every angle. He is on the ball and responsive to client needs." "Bright, professional, experienced and creative. He is someone you would want to have in your team."

Construction, Chambers & Partners Global 2018

"He has an incredibly sharp mind and a breadth of skills few at the junior Bar possess."

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

Ranked the No. 1 Thought Leader in Europe, "Rupert Choat is one of the foremost names in construction arbitration and litigation. He regularly acts on UK-based and international residential, commercial and hospitality projects for high-end clients. Once source says, "It is a joy to watch Rupert in cross-examination. He is highly committed and always has an excellent grasp of the detail."

Construction, Who's Who Legal 2018

"Regarded as a "QC in the making" for his construction-orientated practice, which features substantial work as both arbitrator and counsel. Sources highlight him as "excellent on his feet" while also noting his "clear legal reasoning and thorough understanding of complex construction issues"."

UK Bar (Construction; also listed for Arbitration), Who's Who Legal 2018

"Charismatic and able to think of points that would not occur to his opponents."

Construction, The Legal 500 2017

"He is a strategy machine and a superstar, who runs the show."

Energy, The Legal 500 2017

"A strategy machine and a superstar; he runs the show."

International Arbitration, The Legal 500 2017

"Delivers practical advice and quickly identifies the issues."

Professional Negligence, The Legal 500 2017

"He is very proactive and has an excellent grasp of the tricky nuances of major commercial disputes."

Construction, Chambers & Partners UK Bar 2017

"Very quick to grasp detail and very thorough."

Construction, Chambers & Partners Global 2017

Ranked the No. 1 Thought Leader in Europe, Rupert "wins praise from clients for being "charming and talented". He is known to be "an exceptional talent"

Construction, Who's Who Legal 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.