



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

Stephen Dennison QC

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PRACTICE

Stephen is a leading specialist in the construction and civil engineering, energy and utilities, and the transport sectors together with related areas such as public procurement of infrastructure projects and insurance.

He has conducted numerous substantial and complex cases in the High Court and in domestic and international arbitration, having extensive experience under the ICC, LCIA and SIAC rules. He is also frequently consulted to advise on, and to represent clients in, the resolution of disputes through alternative procedures including expert determination, mediation and adjudication.

In addition to his experience as an advocate, Stephen has been appointed as an adjudicator particularly with regard to high-value infrastructure projects and retail developments, and also as an expert. He has accepted invitations to determine or assist in the resolution of disputes through a process of expert determination as well as having been appointed as an expert on the Law of England and Wales in foreign proceedings.

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

In addition to the above Stephen has been invited to lecture internationally in the Far East and North America.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Throughout his career Stephen has specialised in work within the construction and engineering sectors. Whilst much of the work has been within these sectors as they have been traditionally

understood, Stephen has undertaken a wide variety of work embracing the design and construction of projects as diverse as shipbuilding, including luxury liners and super-yachts, specialist hydraulic supports for the mining industry, and the design and production of sophisticated presses for the motor industry. He has also advised employers and contractors alike in relation to PFI and PPP projects relating to schools, police stations and hospitals.

Much of the work undertaken is international and in recent years Stephen has been involved in substantial projects undertaken in Europe, Russia, Hong Kong, Singapore, the Philippines, Korea and the Middle East.

Examples of his recent work include:

INTERNATIONAL

- In respect of a prestigious city centre development in Singapore, Stephen was recently retained on behalf of a design and build contractor of international repute to advise on and subsequently conduct, arbitral proceedings in connection with disputes as to the quality of the design and construction. Issues at the heart of the dispute concerned the obligations owed by the contractor to the employer, the scope and extent of the liabilities arising out of the relevant contractual duties, and how and to what extent, liabilities incurred to the employer might be passed on to the professional team retained by the design and build contractor; see also the section under the heading Professional Negligence.
- The development of a new casino complex in Macau which was halted soon after the piling works had been completed resulting in disputes between owner and the contractors, the main and the piling subcontractor, as to the financial consequence.
- Acting for the contractors on a dispute (SIAC arbitration) concerning the continuing development of Singapore's MTR system, which necessitates extensive excavations, tunnelling and new construction, together with the management of such works so as to minimise the disruption to the existing infrastructure and the use of that infrastructure.

DOMESTIC

- Acting for claimant services company in respect of claim relating to corrosion to chilled water pipework, **Linklaters Business Services v Sir Robert McAlpine Ltd & Ors** [2010] EWHC 2931 (TCC).
- In the much publicised disputes concerning the development of Wembley Stadium Stephen was retained as counsel on behalf of Wembley Stadium. Issues as to both time and quality required to be addressed and to be addressed in the particular context of the construction of a national sports stadium and of the international standards required of such a facility.
- In terms of the retail sector Stephen has advised on contracts for some of the largest retail developments in Europe, involving the consideration of the interests of developers, funders and of the relationship between the underlying construction contracts and the leasing agreements entered into with the individual retailers.
- Within the residential market Stephen has acted for a major international developer in respect of a high-value development in Knightsbridge. The central issue was the delayed completion of the development requiring evaluation and analysis of complex factual and contractual disputes, and an understanding of competing methods of delay analyses and the probative value of the relevant

critical path.

- Within the commercial sector Stephen has been advising in relation to the development of commercial property in Central London to be used by a major financial institution. This involved acting for the developer responding to claims for extensions of time and loss and expense, and advisory and drafting work in respect of adjudications. The issues that required to be considered included, how best to evaluate delay claims, the use of differing methods of delay analysis, the satisfaction of contractual requirements and the ambit and effect of compromise agreements.
- Acting in a TCC litigation concerning a contractor's claim in relation to facilities management services provided at 372 supermarkets over the course of three years. The retailer counterclaimed repayment in relation to 11 categories of defective or incomplete works at the same stores, over the same period. The case raised issues of e.g. contractual construction (which were ultimately resolved by the Court of Appeal) and the Court's jurisdiction to "extrapolate" its findings on the counterclaim as a whole from particulars of a small sample thereof. The matter settled on terms favourable to SRW after preliminary issues and appeal, but before trial of the main action. **Skanska Rashleigh Weatherfoil Ltd v Somerfield Stores Ltd.**
- Acting for the successful claimant in the TCC on a case concerning an application by Ringway Infrastructure Services Limited to the TCC for summary judgment to enforce an Adjudicator's decision that had found Vauxhall Motors Limited liable. The dispute that was referred to the Adjudicator arose out of a contract for the construction of a new vehicle distribution centre at Ellesmere Port, Cheshire where Vauxhall was the employer and Ringway was the contractor. **Ringway Infrastructure Service Limited and Vauxhall Motors Limited.**
- Appointed as party nominated arbitrator (ARIAS Rules) in respect of a dispute over an insurance claim resulting from the collapse of a sea wall in UK.

ENERGY, NATURAL RESOURCES AND UTILITIES

Stephen has developed a particular expertise in the above listed sectors. He is regularly instructed both in the United Kingdom and internationally to provide advice on the conduct of major energy related projects and as counsel to conduct proceedings either in the courts or domestic and international arbitration. His experience includes:

- Acting on behalf of the owner in proceedings against the yard who were responsible for the design and construction of two new drilling rigs but failed to deliver the vessels by the contractual date for delivery. Disputes have arisen as to the causes of the delay, the contractual responsibility for such delay and the financial consequences.
- Acting in an international arbitration for a far-East shipbuilder that relates to disputes arising out of a contract for the design and construction of the construction of a fall pipe rock laying vessel. The dispute, which was heard in Singapore in Autumn 2010, concerns the value of, and delays to, the works carried out with many millions of dollars in issue.
- The conduct of an international arbitration, through to an interim award, relating to the design and construction of a semi-submersible rig that had been designed and constructed for high volume production for the exploitation of reserves located in deep water. The dispute gave rise to issues of contractual interpretation (limitations of liability), issues as to quality involving a wide range of technical and safety related issues both as to production and control systems, and requiring consideration of international standards and classification requirements including USCG, ABS

and SOLAS.

- Advising on the proper construction of a contract for the refurbishment of a semi-submersible rig. The dispute requires consideration of obligations as to both time for performance and quality. The issues include the adequacy of the definition of the scope of work that had been contracted to be performed and the allocation of contractual risk for the consequences of any inadequacies.
- Advising on various disputes all arising out of the development of a major oil and gas field in the Middle East, the development of the infrastructure serving the field, the construction of the platforms, the co-ordination and supply of the vessels servicing the platforms and of the vessels laying the pipelines connecting both the platforms themselves and the on-shore facilities.
- Acting, through to an award, on an ICC arbitration relating to the design and construction of a multi-fuel combined cycle power station. Central issues in the case included compliance with contractual performance requirements and the application of the contractual framework for remedying defects and determining financial compensation. The case involved detailed consideration of multi-fuel combustion technology and of international requirements relating to power generation and grid operation.
- Acting, through to an award, on behalf of the contractor, in an international arbitration relating to the design and refurbishment of two off-shore oil and gas platforms. A complex factual background required to be evaluated and presented to the tribunal in a manageable form in order to address the central issues being responsibility for delayed completion; ad hoc agreements to accelerate and the consequences of unilateral decisions taken by the contractor to accelerate completion and/or mitigate the effects of accrued delay. The case involved an understanding of the underlying design principles and of the logistics involved both on and off-shore including the technical and safety requirements to be satisfied, pipe-laying and the deployment of DLBs and other vessels. The dispute was to be determined in accordance with the laws of Indonesia.
- Acting as one of the arbitrators on a panel of three in an LCIA arbitration relating to an offshore windfarm.
- Acting as co-arbitrator in an ICC arbitration in respect of a subsea pipeline.

PROFESSIONAL NEGLIGENCE

Stephen is well-regarded in the professional negligence field. He has extensive experience acting for claimants, defendants and their indemnity insurers in relation to claims brought against professionals of all kinds.

- He completed the conduct of an arbitration in Singapore concerning the duties owed by engineers in the design of piled foundations for a substantial city centre office development. The dispute required consideration of professional duties (owed by the professional to a design and build contractor) at tendering and post contract award stages of the project. The professional duties had to be analysed in the context of the particular geological conditions that were to be encountered thereby necessitating not only a detailed understanding of the relevant geological conditions, but also how those conditions might be reflected in mechanisms of failure.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Stephen has undertaken a significant amount of work in the IT and telecommunications sector including acting on a High Court action relating to a PFI project for the introduction and development of a national IT project. This required the review of complex funding arrangements, contractual analysis of termination provisions and understanding of relevant software performance specifications.

QUALIFICATIONS AND AWARDS

Accredited Adjudicator

Expert Determinator

Manchester University (LLB)

RECENT RECOMMENDATIONS

"He is a technically good QC, has real gravitas and is very user-friendly." "A calm approach to complex issues together with a very comfortable style of advocacy makes him a client favourite."
Construction, Chambers UK Bar 2020

"Loved by clients for his clear advice and team-based approach." "He is incredibly user-friendly and really good at working collaboratively."
Energy, Chambers UK Bar 2020

"He is very thorough and I like his style hugely; he is quite softly spoken but speaks a lot of sense and he constructs his submissions extremely well."
Professional Negligence, Chambers UK Bar 2020

"Wonderfully calm and gets to the point very well and in a way clients understand." "Strong construction expertise."
International Arbitration, Chambers UK Bar 2020

"Highly recommended, very detailed and thorough."
Construction, The Legal 500 2020

"Very hands-on and very thorough; a "go-to" silk for big-ticket energy, engineering, fabrication and construction disputes."
Energy, The Legal 500 2020

"Has great poise, able to deliver difficult messages, and works well as a team player."
International Arbitration, The Legal 500 2020

AtkinChambersBarristers

"Incredibly experienced, extremely user-friendly and very good in court. An advocate with a commanding presence in the courtroom." "He's very good at dealing with both the client and the expert witnesses, and is very hands-on, which is what is needed in a complex engineering case."
Construction, Chambers UK Bar 2019

"Incredibly experienced, extremely user-friendly and someone with a commanding presence in the courtroom." "He's a fantastic strategist; he can cut through to the heart of an issue very quickly and explain it in a way that is readily understandable."
Energy, Chambers UK Bar 2019

"Incredibly experienced, extremely user-friendly and very good in court. An advocate with a commanding presence in the courtroom."
Professional Negligence, Chambers UK Bar 2019

"Formidable presence and vast experience." "He has gravitas and excellent judgement."
International Arbitration, Chambers UK Bar 2019

"Very thorough and hands on."
Construction, The Legal 500 2019

"Has a wealth of experience in construction-related energy disputes, and has considerable gravitas in front of tribunals."
Energy, The Legal 500 2019

"A heavyweight of the construction Bar with a formidable presence."
International Arbitration, The Legal 500 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.