

# Jeremy Nicholson KC

Call 1977 Silk 2000



Jeremy Nicholson KC is a barrister and arbitrator specialising in commercial disputes including construction & engineering, energy, shipbuilding, insurance and professional liability.

Jeremy has an outstanding track record in achieving successful conclusions to major and difficult cases. He is known for mastery of technical detail and legal argument, lateral thinking, strategic advice, and team leadership in large and complex cases.

His clients include insurers, employers, property owners, joint venturers, contractors, sub-contractors, engineers, architects, quantity surveyors, and other professionals.

Jeremy is qualified to undertake Public Access work.

## Construction, Engineering & Energy

Jeremy has appeared in many cases in the Technology and Construction Court in England. He has also acted in a large number of mediations, and in arbitrations and adjudications.

He has huge experience of different types of sites, buildings, structures, and plants: including airport runways; airports; air conditioning systems, and other mechanical & electrical services; bridges; docks & harbours; infrastructure, including gas, power, sewerage, water, and district heating & cooling; materials handling systems & other plant; offshore oil & gas platforms; oil & gas refineries; oilfields; PFI projects of various types; power stations; roads; shipbuilding; water treatment works; wind farms; and office buildings, retail properties, warehouses, factories, hospitals, stadiums, cinemas, and residential projects.

His experience includes all types of procurement: including PFI schemes; design & build; and EPC.

He is a member of the Expert Advisory Committee of the Permanent Forum of China Construction Law.

## Featured Construction, Engineering & Energy cases

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Hamid v Barnfield Construction & Francis Bradshaw Partnership [2013] BLR 447, 148 Con LR 20: Action against main contractor and engineers arising from retail park project. Acted for engineers. After preliminary issues, action satisfactorily settled during trial.

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Secretary of State for Transport v. Pell Frischmann Consultants, AMEC & Mott MacDonald [2006] EWHC 2909, [2007] BLR 46: Major litigation about M6 Thelwall Viaduct regarding design and construction of refurbishment, and particularly steelwork design and bearings failure. Acted for main engineers – after interlocutory proceedings, extensive ‘pre-action’ procedure, and mediations, dispute satisfactorily settled.

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Alfred McAlpine Construction v Panatown 2001 1 AC 518, 58 Con LR 46; Alfred McAlpine Construction v Panatown (No. 2) 76 Con LR 224: Major litigation and arbitration involving claim by employer not owning the site for damages under a design and build contract. Acted for employer – after protracted proceedings, dispute satisfactorily settled.

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North Thames RHA v. Sheppard Robson & Ors 50 Con LR 79: Declarations about management contract for construction of Westminster & Chelsea Hospital. Acted for successful architects – action against them struck out, appeal to Court of Appeal dismissed.

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## Energy, Offshore Construction & Shipbuilding

Jeremy has experience of a range of projects in these sectors: including oilfield services, oil & gas refineries, power stations, and carbon emissions reduction schemes; offshore oil & gas platforms; and shipbuilding.

He is a member of a dispute adjudication board on a major energy project overseas which is currently under construction.

## Insurance & Reinsurance

As a result of Jeremy’s involvement in construction and professional negligence, he frequently acts for insurers and insured in policy disputes and recovery claims: arising out of construction, product liability, property, professional indemnity, and other liability insurance.

### Featured Insurance & Reinsurance cases

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Ted Baker v AXA Insurance, Fusion Insurance Services, & Tokio Marine Europe Insurance [2017] EWCA Civ 4097, Lloyd’s Rep. I.R. 682; also [2015] 1 Costs L.R. 71 & [2012] 6 Costs L.R. 1023: Action against insurers under commercial combined policies claiming losses for employee thefts over 5 years. Acted for successful insurers – claims dismissed at trial – appeal dismissed by Court of Appeal.

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AXA v Cunningham Lindsey [2007] EWHC 2464 & 3023 (TCC): Action by insurers against loss adjusters about handling of claim involving subsidence remedial works. Acted for successful insurers – judgment at trial for insurers.

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## Professional Negligence

Jeremy has acted in many cases for or against a wide range of professionals: including engineers, architects, surveyors, valuers, accountants, and solicitors.

### Featured Professional Negligence cases

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London Borough of Southwark v. IBM [2011] 135 Con LR 136, EWHC 549 & 653 (TCC): Action for misrepresentation, breach of contract & warranty, and negligence relating to IT project. Acted for successful defendant – action dismissed at trial.

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Co-Operative Group v. John Allen Associates [2010] EWHC 2300 (TCC), (2012) 28 Const. L.J. 27: Action by retailer against engineers for professional negligence in design of supermarket floor slab. Acted for successful engineers – action against them dismissed at trial – Court of Appeal refused permission to appeal at hearing.

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## Commercial Disputes

Jeremy has extensive experience of a wide range of other commercial disputes, including contracts for projects, joint ventures, information technology, and sale of goods.

### Featured Commercial Disputes cases

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Skanska v Somerfield Stores [2006] EWCA Civ 1732, [2007] CILL 2449: Major litigation and adjudications involving facilities management contract for maintenance of 379 supermarkets. Acted for employer – after trial of preliminary issues and successful appeal to Court of Appeal, dispute satisfactorily settled.

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## International Arbitration

Jeremy has extensive experience of major international arbitrations, under ICC, ICE, LCIA and other institutional rules.

### Featured International Arbitration cases

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ICC arbitration in London about power station project in Pakistan.

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ICE arbitration about design & construction of Dubai Drydocks, seated in Paris with hearings in Dubai and London.

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ICE arbitration about design & construction of Port Rashid, Dubai, seated in Geneva with hearings in Geneva, Dubai and London.

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Arbitration in Abu Dhabi CCAC about infrastructure construction for major development in Abu Dhabi, under FIDIC contract.

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ICC arbitration seated in Abu Dhabi about oil refinery project.

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LCIA arbitration in London about shipbuilding in China.

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LCIA arbitration in London about dredging in Saudi Arabia.

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Arbitration in Dubai about construction of sewerage for Municipality of Dubai, under FIDIC contract.

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ICE arbitration about viaduct construction in Italy and UK.

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Arbitration about head office refurbishment project in China.

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## Adjudication

Jeremy has acted in various adjudications; and also sits as an adjudicator.

He was a dispute adjudication board panel member on a major PFI hospital project. He has recently completed appointment as a dispute adjudication board member on a major energy project overseas, involving a series of adjudication decisions. He is currently appointed as a dispute adjudication board on another major project.

## Featured Adjudication cases

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Skanska v Somerfield Stores [2006] EWCA Civ 1732, [2007] CILL 2449: Major litigation and adjudications involving facilities management contract for maintenance of 379 supermarkets. Acted for employer – after trial of preliminary issues and successful appeal to Court of Appeal, dispute satisfactorily settled.

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## Mediation

He is also qualified as a mediator, and accepts appointments as mediator.

## Appointments

- Qualified adjudicator
- Qualified mediator
- Appointed on ADGMAC's Panel of Arbitrators

## Memberships

- Permanent Forum of China Construction Law (Expert Advisory Committee)
- Society of Construction Law (UK, Gulf & Hong Kong)
- HKIAC Users' Councils
- LCIA Users' Councils
- FCI Arb
- BILA
- COMBAR
- LCLCBA
- PNBA
- TECBAR

## Education

- MA (Cantab) Law
- BA (Cantab) Law

## Recommendations

Listed as a leading silk, Jeremy is highly rated by Chambers & Partners UK and Global and Legal 500 in Construction and Professional Negligence.

Directory comments have included:

- Excellent
- Outstanding
- Thorough and effective advocate; tactically brilliant
- An intellectual powerhouse
- Deals adroitly with highly technical construction disputes ... his eye for detail and perfectionism are second to none, and he provides an impressive strategic oversight
- Admired by peers for his real dedication and wealth of knowledge
- Hands-on and very proactive, he is approachable, pragmatic and commercial
- Has a very positive vibe that makes him a fantastic team player; a pleasure to work with
- A lawyer with a smart and sophisticated approach
- Excellent at fine detail ... and subtle – he chips away unnoticed at the foundations of your case
- Rated highly by instructing solicitors, who cite his mastery of detail as a major asset to their cases