

Simon Hale

Call 2006



Simon practises in domestic and international disputes with an emphasis on (i) construction and energy projects, (ii) professional negligence claims, and (iii) commercial dispute resolution.

He has over 18 years of experience in a wide variety of courts and tribunals and is recognized by peers and clients as an exceptionally powerful and persuasive advocate. For that reason, he is regularly instructed as lead or sole counsel on major disputes. In the past 3 years alone, he has appeared as lead advocate against KC opposition in 8 reported court cases in the UK and overseas, as well as in various international arbitrations.

Simon is ranked in (i) Chambers & Partners Global Guide, (ii) Chambers & Partners UK, (iii) the Legal 500 UK and (iv) the Legal 500 EMEA, as a Leading Junior in (i) Construction, (ii) Professional Negligence and (iii) Professional Negligence: Technology and Construction. He is shortlisted for Construction and Energy Junior of the Year by the Legal 500 for 2023 (and was previously shortlisted in that same category in 2020).

Recent feedback in the directories recommends Simon as “*an outstanding tactician and advocate*”, with “*gravitas beyond his age*”; “*A formidable advocate – his courtroom skills are second to none*”; “*an unerring ability to pitch cross examination just right*”; “*Incredibly impressive, I would be happy to have him opposite a KC*”; “*his advocacy was absolutely word-perfect*”; and “*As an advocate, he is in a league of his own.*”

Simon’s recent, reported Court appearances as lead counsel have addressed a range of legal issues at the core of his areas of expertise. Many are now significant legal precedents. Those issues have included: (i) the scope of tortious duties to non-contracting parties and liability for physical damage as distinct from pure economic loss; (ii) demand bonds and injunctions in support of ICC arbitration; (iii) the interpretation of the ICC’s Uniform Rules for Demand Guarantees; (iv) the scope of design life obligations and professional design duties under design and build contracts; (v) the meaning of ‘practical completion’ in English law; (vi) the conduct of expert witnesses and the circumstances in which their impartiality has been compromised; and (vii) exclusion clauses and limitations of liability for breach of contract.

Simon’s international arbitration practice covers disputes from around the world, and under a variety of institutional rules. He has a good working knowledge of many key Civil Code provisions and principles, particularly in the EMEA region, and regularly advises on issues of contractual interpretation, evidence and strategy where those systems of law have been chosen. His current or recent mandates have included projects in Dubai, Qatar, Kuwait, Bahrain, Rwanda, Ghana, and China, predominantly in the energy and infrastructure sectors.

Whilst Simon thrives on leading the trial or the interim hearing advocacy, he also enjoys acting as a junior within larger teams on the heaviest cases. He regularly teams up with a number of 4 Pump Court's leading silks in very high-profile litigation and in the largest international arbitrations. He is a popular choice for his teamwork, enthusiasm and commitment, and also enjoys leading and managing more junior members of chambers within those large teams. Further recent directory feedback singles out Simon's ability as a team player, and importantly, his client-facing skills: he is "very commercial and grounded and gets on exceptionally well with clients"; "Extremely good working within a team"; "He's really able to slip into our team as a member rather than being siloed" and "He is a team player, ready to roll his sleeves up to get the best result for the client."

Construction & Engineering

Simon has a leading practice in domestic and international construction matters.

He acts across the board for developers, contractors, sub-contractors and consultants, as well as banks and other funders/lenders. Simon is experienced in claims from highly specialised sectors such as aerospace, defence and healthcare (including PFI claims in the UK). He has particular specialist expertise in bond calls and project finance disputes, having acted in a number of leading cases relating to the enforcement of bonds (as well as dealing with such calls in an arbitral context).

Simon Hale is ranked in Chambers & Partners Global Guide, Chambers & Partners UK, and in the Legal 500 as a Leading Junior in Construction. Simon was nominated for Construction and Energy Junior of the Year 2020 and again in 2023 by the Legal 500.

Simon is a current member of the TECBAR Executive Committee.

The most recent directory feedback for Simon for construction work is:

- He really is an outstanding tactician and advocate
- Fantastic intellect and superbly attentive to detail. My first choice barrister. Prepared to challenge clients to get to the root of the facts. Extremely good working within a team and a brilliant and determined advocate
- Simon is extremely quick on his feet, and is quick to grasp complex legal issues. His advocacy is impressive and he is great at turning complicated legal issues into clear and logical submissions. He is an all-rounder who can be relied upon
- He's a delight to work with, clients love him and his drafting and advocacy are top-notch
- Extremely methodical and exceptionally talented at distilling the issues amongst an ocean of information
- Very engaging and dedicated. He has good judgement and technical knowledge

Featured Construction & Engineering cases

Currently acting as lead counsel for the employer in a QICCA Rules arbitration, concerning an iconic high-profile development project in Qatar.

Currently acting as sole counsel in relation to delay claims and associated performance security issues arising from a £250m wind farm project (ICC Rules Arbitration).

Currently acting with [Sean Brannigan KC](#) on dispute over the construction of an FPSO unit, subsea infrastructure and an

onshore base, for gas extraction in the Middle East, backed by a USD115M demand bond.

Sheffield Teaching Hospital Foundation Trust v (i) Hadfield Healthcare Partnerships Limited (ii) Kajima Construction Europe (UK) Limited (iii) Veolia Energy & Utility Services UK PLC [2023] EWHC 644 (TCC). With Fiona Sinclair KC, acted for the PFI SPV in successfully resisting summary judgment on various points of law including the scope of a contractor's common law duty of care to prevent defects.

Avantage Cheshire Ltd and ors v WSP Ltd and ors [2023] EWHC 802 (TCC) (O'Farrell J). Applications to replace expert witnesses and consideration of conditions to be attached where permission given; assessment of the law on "expert shopping"

FK Construction Limited v ISG Retail Limited [2023] EWHC 1042 (TCC) (Smith J). Application to enforce adjudicator's decision and consideration of the law on set off of decisions explained in *HS Works Ltd v Enterprise Managed Services Ltd*

Avantage Cheshire Ltd and ors v WSP Ltd and ors [2022] EWHC 171 (TCC). Simon acts as lead counsel on this £38M claim concerning the total destruction by fire of a large care home. This recent and significant judgment of Smith J in the TCC addresses arguments that WSP neither owed nor assumed any duty of care in tort to the claimants; the Judge considered there was a real prospect of success of establishing the duty. However, the Court accepted Simon's arguments that WSP could not be considered liable for physical damage to the property, rather than purely economic loss. This was a novel argument that would have had substantial implications for fire engineers and other similar professionals facing property damage claims.

As lead counsel, defending a Qatari bank against a claim for hundreds of millions of QAR, arising out of an important state project to develop improved accommodation for thousands of guest workers.

Shapoorji Pallonji & Company Private Ltd v Yumn Ltd & Standard Chartered Bank [2021] EWHC 862 (Comm) Simon appeared as sole counsel on behalf of the Employer, successfully resisting an injunction to restrain a USD 32.2M bond call pending ICC Emergency Arbitration proceedings. The underlying energy project is a USD 214M power station in Rwanda, East Africa. The Contractor argued that a different test and lower threshold for interim injunctive relief should be applied by the High Court where the application was made under section 44 of the Arbitration Act 1996, in support of an ICC arbitration seated in Singapore (which would be the curial law). The Commercial Court accepted that elements of the legal framework were different where the application was made in support of arbitration, as opposed to an application made under section 37 of the Supreme Courts Act. However, it dismissed the Contractor's application, upholding Simon's case that applying English law principles governing the enforcement of demand bonds, none of the exceptions justifying intervention had been made out.

Currently acting as lead external counsel in a USD 100M ICC arbitration, arising from an energy project in Africa (Singapore seat).

Mott MacDonald v Trant Engineering Limited [2021] EWHC 754 (TCC), [2021] 3 WLUK 544. Dispute arising from engineering services on a military power station project in the Falkland Islands. Simon successfully obtained judgment in the TCC on the proper interpretation of various exclusion and limitation clauses. The successful result meant that the claims against Simon's client, pleaded at £5M+ along with unlimited indemnities, are capped at a maximum aggregate recovery of £0.5M (the claims are denied). Interesting legal issue as whether the character of a breach as allegedly being fundamental, deliberate or wilful could affect the operation of the clauses.

Currently acting on various adjudications arising from a £300 million gas pipe project, with [Sean Brannigan KC](#), [Jonathan Lewis](#) and [Gideon Shirazi](#).

LSREF 3 Tigerfalkirk Limited I S.a.r.l v Paragon Building Consultancy Ltd [2021] EWHC 2063 (TCC). Claim relating to allegedly defective structural foundations of a shopping centre car park in Scotland. Simon successfully obtained

declarations that the £10M claim form had not been properly served on solicitors within its period of validity, and successfully resisted a counter application seeking an order to validate service under CPR 6.15 or dispense with it under CPR 6.16. The case considered the impact on the service of a claim form of a Covid-19 working practices statement in an email footer that required service to be effected solely by email.

Leonardo SpA v Doha Bank Assurance Co LLC [2020] QIC (A) 1, on appeal from [2019] QIC (F) 6. Appeared as sole counsel in the Qatari QICDRC at first instance and on appeal for Leonardo SpA, a global leader in the aerospace, defence & security sectors. Simon successfully enforced two demand guarantees issued in respect of a major military project. The appeal judgment is now a leading international authority on the interpretation of the Uniform Rules for Demand Guarantees (URDG 758).

Blackpool Borough Council v Volkerfitzpatrick Ltd, Caunton Engineering Limited and ors [2020] EWHC 1523 (TCC). Simon appeared as sole counsel for the specialist steelworks subcontractor which had designed and supplied the structure of an electric tram depot. After a 5-week trial, Simon secured the complete dismissal of all claims against his client by the main contractor. The case involved complex questions of interpretation of the main NEC3 design and build contract, of the scope of “design life” obligations, and of corrosion science that was the subject of extensive technical evidence.

Blackpool Borough Council v Volkerfitzpatrick Ltd, Caunton Engineering Limited and ors [2020] EWHC 387 (TCC). Interim application concerning conduct of expert witnesses and whether their impartiality had been compromised.

Acting as sole counsel in consolidated LCIA arbitrations arising from a FIDIC Silver Book contract to build a power station in China. Seat of arbitration: Hong Kong; parallel Dutch injunction proceedings.

Acting for a consultant in connection with the expansion of the Port of Takoradi in Ghana, bringing claims under an agreement that the consultant would provide an operator for the terminal, equipment supply for the terminal, and an EPC partner.

Premier Inn Hotels Limited v McAleer & Rushe Limited v (3) KTD Facades Limited (4) Urban Innovations Limited (5) Michael Slattery & Associates Fire Safety Engineers Limited (6) Bureau Veritas Building Control UK Limited, and other associated matters. Simon acts with Anneliese Day KC for the cladding subcontractors on these “Grenfell” cladding claims concerning a number of the Premier Inn group’s hotels nationwide. The first trial is listed for 5 weeks in January 2021.

Acting for a developer enforcing a performance bond guaranteeing a main contractor’s obligations on a mixed use development of student accommodation in Plymouth.

Successfully defended a developer’s “Grenfell” cladding claims in a heavy adjudication against a main contractor, following the regeneration of 9 tower blocks with a budget of more than £500m.

Mears Limited v (1) Costplan Services (South East) Limited (2) Plymouth (Notte Street) Limited (3) J.R. Pickstock Limited [2019] EWCA Civ 502; [2018] EWHC 3363 (TCC): Acted as sole counsel for the employer’s agent in a dispute over a £35M lease of a £16M block of 348 student flats in Plymouth. Important Court of Appeal authority addressing the concept of “practical completion”.

With [Fiona Sinclair KC](#), defending a main contractor in adjudication proceedings concerning the visual appearance of rain-screen facades, on a flagship development for a global media company.

Carillion Construction Limited v (1) Woods Bagot Europe Limited (2) AECOM Limited (3) EMCOR Engineering Services Limited (4) EMCOR (UK) Limited [2017] EWCA Civ 65; [2016] EWHC 905 (TCC). Acting for EMCOR on a main contractor’s delay and defects claim, and pursuing EMCOR’s counterclaims for extension of time and £millions of loss and expense. This high-profile litigation arose from the construction of the Rolls Building, now home to the Commercial Court, the TCC

and much of the Chancery Division.

As sole counsel, advising on English law principles in the Bahamas, in a dispute arising from fraudulent misrepresentations about the quantities of materials and labour required for a residential project.

Energy, Natural Resources & Infrastructure

Simon has extensive experience of significant disputes concerning oil and gas, mining, power and transportation, in various locations around the world. He is pleased to accept instructions as sole counsel or in larger teams. His current or recent mandates have included projects in Qatar, Kuwait, Bahrain, Rwanda, Ghana, and China, involving assets such as refineries, power plants, military bases, railway depots and ports.

He acts across the board for developers, contractors, sub-contractors and consultants, as well as banks and other funders/lenders. Simon is fascinated by the complexity and scale of the design and construction operations which underpin projects of this nature. He has long experience of working alongside experts from diverse disciplines and thoroughly enjoys the challenge of mastering the technical issues in these disputes.

He has particular specialist expertise in bond calls and project finance disputes associated with large scale energy or similar projects, having acted in a number of leading cases relating to the enforcement of bonds (as well as dealing with such calls in an arbitral context).

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Featured Energy, Natural Resources & Infrastructure cases

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Currently acting as sole counsel in relation to calls on a USD115M demand bond, on a project for the construction of an FPSO unit, subsea infrastructure and an onshore base, for gas extraction in the Middle East.

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Acting as sole counsel for the EPC contractor in consolidated LCIA arbitrations, arising from a FIDIC Silver Book contract to build a power station in China. Claims are for repayment of significant sums from the principal sub-contractor, and for repayment under a demand guarantee issued by a Dutch bank. Parallel Dutch injunction proceedings.

Acting for a consultant in connection with the expansion of the Port of Takoradi in Ghana, bringing claims under an agreement that the consultant would provide an operator for the terminal, equipment supply for the terminal, and an EPC partner.

Acting for one of the world's largest oil producers in a claim by 142 communities in the Niger Delta region, following an off-shore spill near the Southern coast of Nigeria. The case raised a number of complex issues: of jurisdiction and the correct operation of the Brussels Regulation; of Nigerian law; of the capacity in law of the claimant bodies to bring the action; and of vicarious liability between group companies within the defendant's operations.

Assisting with the preparation of an injunction in support of UNCITRAL arbitration, to prevent an African nation government from expropriating an oil pipeline owned and operated by a consortium of major oil interests.

Advising a large mining company on claims for directors' breaches of pre-acquisition warranties that several major construction projects were on time and on budget.

Acting as sole counsel for a haulage contractor in its claims for unpaid sums following the termination of a £43M contract for the transportation of waste products.

Currently acting with [Lynne McCafferty](#) KC in a USD 80M ICC arbitration relating to an oil refinery in Kuwait.

Professional Negligence

Simon has a leading practice in professional liability matters, covering three primary areas: (i) construction professionals, (ii) legal professionals, and (iii) financial services professionals. He is equally comfortable bringing or defending claims and regularly handles both types of instruction.

Directory feedback for Simon in professional negligence work:

- There are not enough superlatives to describe Simon's strengths. He is exceptional with gravitas far beyond his level of call. His ability to distil the issues in complex, technical cases is second to none. Clients love him and hang on to his every word
- Simon is hugely talented. On paper he is modern, eloquent and cogent. As an advocate he is in a league of his own
- Incredibly impressive, I would be happy to have him opposite a KC
- Simon's ability to produce a magician-like flourish in many of his cases is underpinned by hard work, dedication and spectacular brain power
- Very talented and though hugely intelligent, wears it lightly. He cuts through the morass and gets right to the heart of the issues with alacrity – with the focus and intensity of a laser beam. His thoroughness and attention to detail is fast becoming the stuff of legend

Construction Sector

Simon handles a full range of claims involving architects (including for heritage and listed developments), engineers (structural / civil / M&E / geotechnical / chemical / electrical), building inspectors, employer's agents, contractors with design responsibility, and surveyors (building / dilapidations).

He is experienced in complex design-related claims from highly specialised sectors such as aerospace, defence and healthcare.

Solicitors and Barristers

Simon has broad experience of claims relating to diverse advice and transactional work, and from numerous forms of litigation. He has handled cases against lawyers following failed or unsatisfactory claims in construction, commercial, insurance, matrimonial, probate and employment matters.

He is regularly called upon by the Bar Mutual Indemnity Fund to defend claims against other counsel. Simon's cases include those where serious and career ending allegations have been made, including of dishonesty and/or deliberately misleading the court.

Accountants, Trustees, Pensions, and Tax

Simon has acted for and against a wide variety of financial services professionals in diverse contexts, including tax advice, claims involving insolvency professionals, broker claims, and various types of claim against accountants.

He also has particular specialist experience of claims against pension scheme advisers, having acted for and against major pension scheme trustees on several heavy claims.

Featured Professional Negligence cases

Avantage Cheshire Ltd and ors v WSP Ltd and ors [2022] EWHC 171 (TCC). Simon acts as lead counsel on this £38M claim concerning the total destruction by fire of a large care home. This recent and significant judgment of Smith J in the TCC addresses arguments that WSP neither owed nor assumed any duty of care in tort to the claimants; the Judge considered there was a real prospect of success of establishing the duty. However, the Court accepted Simon's arguments that WSP could not be considered liable for physical damage to the property, rather than purely economic loss. This was a novel argument that would have had substantial implications for fire engineers and other similar professionals facing property damage claims.

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With [Fiona Sinclair KC](#), acting for a global architectural practice in a £35M delay and damages claim by the main contractor, following delayed completion of a development of 97 ultra-luxury flats in Kensington.

Acting for the main contractor in a £10M arbitration claim against structural engineers following the failure of the foundations of a school.

Multiple ongoing instructions to defend main contractors and architects in claims concerning rainscreen and rendered cladding in the wake of the Grenfell tragedy.

Defended a complex defects claim under a PFI contract, in adjudication, arising from the construction and redevelopment of a hospital. The matter involved specialist design issues specific to the healthcare sector.

With [Fiona Sinclair KC](#), defending a global architectural practice on claims arising from delays and budget increases in the construction of an iconic art gallery in the UK.

Successfully appeared at trial for a solicitor who was accused of deliberately misleading the Court in the course of ancillary relief proceedings (December 2019). All claims dismissed.

Advising and appearing at trial on behalf of the BMIF in claims against various barristers. Examples include in a claim for negligent presentation of an appeal to the Administrative Court arising from underlying disciplinary proceedings against a midwife; a claim for negligent advice on a claim against a local authority employer (QBD trial: December 2019); and a claim for negligent conduct of an Employment Tribunal trial.

(1) Empirical Property Group Limited & (2) FSL Properties Limited v (1) Gateley Manchester LLP (2) Gateley LLP (Commercial Court). Acted for the claimant property developers in a claim against this well-known law firm. As reported in *The Lawyer*, the dispute concerned the redevelopment of the 'Trafford Press' building in Manchester.

Acting for solicitors on a £13m negligent advice claim, following a hedge fund manager's departure from an LLP. The key issue was the power of a partner to terminate an LLP for breach of trust and confidence, which was unsettled law until Flanagan v Liontrust Investment Partners LLP [2017] EWCA Civ 985.

Hurry Narain Purrusing -v- (1) A'Court & Co (2) Houseowners Conveyancers Limited [2016] 4 W.L.R. 81; [2016] EWHC 1528 (Ch). Acted for a conveyancer in this widely reported breach of trust and negligence claim, arising from a Dubai-based identity fraud. First reported decision in which a seller's conveyancer (the other defendant) was held liable for

breach of trust to a claimant who had not instructed it.

As sole counsel, acting for defendant accountant in a claim that it negligently certified the paid-up equity capital of a UK plc to be €120M prior to the company's shares being traded on the Frankfurt Stock Exchange.

Acting for one of the largest occupational pension trusts in the country in a claim against its former investment consultants, following a £250M investment into an emerging market currencies portfolio. The claim was that the use of USD/GBP currency forward contracts within the fund (FX 'hedging') diminished the returns on its investment by £10s of millions.

Assisted in the representation of a financial adviser on a £6M breach of trust and negligence action (one of 11 defendants), involving a series of fraudulent off-shore transfers of investors' securities.

As sole counsel, acting for pension scheme trustees in their claim that the defendant consultants failed to equalise the scheme's benefits, leading to a £15M deficit in provision. Complex limitation issues.

Co-defending accountants in claim about negligent tax planning advice, which was designed to reduce the inheritance and capital gains tax on the claimant family's £3M+ property portfolio.

Commercial Dispute Resolution

Simon has a busy and diverse practice in commercial disputes of many kinds. He regularly advises and acts on claims involving joint ventures, shareholder agreements, share purchase agreements, domestic contracts of sale, international trade, distributorship agency and partnering agreements, claims for non-payment and following termination, disputes over covenants and restraint of trade, and many other forms of commercial activity.

Many (but not all) of Simon's commercial cases feature a technical aspect to the underlying product or service concerned; he is a particularly good choice for commercial disputes which involve technical expert evidence, including those that arise from, or are connected to, an underlying construction, energy or infrastructure operation. He also has particular specialist expertise in bond calls and project finance disputes, having acted in a number of leading cases relating to the enforcement of bonds (as well as dealing with such calls in an arbitral context).

His practice is primarily claimant focussed, but he accepts instructions on either side of commercial disputes. He is also experienced in fraud and tracing matters. His current clients range from private individuals through to SMEs, plcs and international corporations and banks.

Featured Commercial Dispute Resolution cases

As lead counsel, defending a Qatari bank against a claim for hundreds of millions of QAR, arising out of an important state project to develop improved accommodation for thousands of guest workers.

Leonardo SpA v Doha Bank Assurance Co LLC [2020] QIC (A) 1, on appeal from [2019] QIC (F) 6. Appeared as sole counsel in the Qatari QICDRC at first instance and on appeal for Leonardo SpA, a global leader in the aerospace, defence & security sectors. Simon successfully enforced two demand guarantees issued in respect of a major military project. The appeal judgment is now a leading international authority on the interpretation of the Uniform Rules for Demand Guarantees (URDG 758).

QuikClot International Limited v Darwish Bin Ahmed & Co. Acting for UAE military contractor in Commercial Court trial as to its obligations under a sale and distribution contract with the UK based manufacturers of a clotting agent for treating severe battlefield wounds.

CRS GT Ltd v (1) McLaren Automotive Limited (2) McLaren Technology Group Limited (3) Trysome Limited [2018] EWHC 3209 (Comm). Acted for designer and manufacturer of GT series racing cars in injunction and damages proceedings against the well-known vehicle manufacturer McLaren.

Acted for UAE based claimants in respect of defendant's breaches of sale and services contracts, under which the defendant was to care for and rear offspring of valuable hunting birds for onward sale and use in sport across the Middle East.

Acting for a developer enforcing a performance bond guaranteeing a main contractor's obligations on a mixed use development of student accommodation in Plymouth.

Advising a Swiss domiciled, US administered fund about a master supply agreement for the purchase and distribution of anti-malarial drugs to 10 of the poorest countries in the world.

Advised Saudi domiciled investor on its proposed role in a funding agreement for mining project in the Middle East.

Acting for a haulage contractor in its claims for unpaid sums following the termination of a £43M contract for the transportation of waste products.

Acting for a bank in a claim by a legal expenses insurance intermediary, seeking £13M for alleged breaches of a funding agreement which backed a major claims management scheme.

Acting on a claim for breach of confidence against a senior corporate financier, brought by one the largest mining concerns in Kazakhstan.

Acting for a leading global manufacturer of doors in its claims for breaches of pre-acquisition warranties about the quality of fire-rated doors produced by the acquired entity.

Advising a large mining company on claims for directors' breaches of pre-acquisition warranties that several major construction projects were on time and on budget.

Defending a very large commercial fraud claim concerning the proceeds of the sale of three large properties by Hyde Park. Alleged breaches of directors' duties in diverting redevelopment opportunity to a bare nominee or trustee which then sold the properties on with planning, making around £100m profits. Complex tracing claims of the proceeds into various offshore trusts. Parallel proceeding ongoing with around 27 parties, in which the SFO acts as enforcement receiver, seeking to trace into the same money on the basis that in fact, the hotels always remained in the beneficial ownership of Gerald Smith.

As sole counsel, advising on English law principles in the Bahamas, in a dispute arising from fraudulent misrepresentations about the quantities of materials and labour required for a residential project.

Sports Sector Arbitration and Contracts

Simon has particular experience of commercial disputes in the sports sector, and associated forms of arbitration. He has

acted in FA Rules arbitrations for Premier League and Championship football clubs, and handled claims involving Premiership Rugby sides and an F1 team.

Simon's experience of the fast-moving world of sport is that disputes in this area often call for urgent action in compressed timeframes, working with clients who are themselves under enormous pressure. Simon works well in this environment and can add real value to a team effort where time is short.

He is also a passionate fan of F1, international cricket and test match rugby, but will watch and enjoy almost any sport when he has the time.

Featured Sports Sector Arbitration and Contracts cases

CRS GT Ltd v (1) McLaren Automotive Limited (2) McLaren Technology Group Limited (3) Trysome Limited [2018] EWHC 3209 (Comm). Acted for designer and manufacturer of GT series racing cars in injunction and damages proceedings against the well-known vehicle manufacturer McLaren.

Defending a claim brought by the Red Bull Racing Formula 1 team, arising out of a sponsorship and supply agreement, against a major Japanese food and drinks retailer, producer and distiller.

As sole Counsel, acting for Chelsea FC and its PL insurers in an extremely high value claim, where Dean Ashton alleged that his playing career was ended by a player's negligent tackle, and that the FA and Chelsea were vicariously liable for the player's actions (which occurred during training for international duty).

Acting for Premier League club in a claim by a former U 21 squad player, who suffered a serious leg break in a pre-season friendly. Successfully obtained a High Court stay to arbitration under the FA Rules.

Acting in an FA Rules arbitration on a dispute between a former manager and assistant manager of a football league side, to defend the Club against claims for unpaid wages and wrongful termination of their contracts following a disappointing season.

Acting for a Premiership rugby club on allegations of negligent diagnosis and management of a forearm fracture by club medical staff, which the player claimed affected his performance throughout the season and his subsequent career arc.

Advising a Championship football club on a claim that it illegally reneged on its offer of a player contract upon its promotion to the Premiership.

Offshore

Featured Offshore cases

Simon is acting as sole Counsel for a Gibraltar plc, a major international trader in gold and other precious metals. The company brings claims against its corporate advisers and accountants relating to a failed debt bond issue, by which the company sought to raise working capital to support its expanding operations.

Simon is acting as sole Counsel in a Gibraltar seated LCIA arbitration, concerning a contract to develop a multi-function financial services app. In addition to issues of breach and termination the case involves complex technical issues as to the specifications for the User Experience and User Interface of the app, and the required functionality of the software.

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Assisted in the representation of a financial adviser on a £multi million breach of trust and negligence action (one of 11 defendants), involving a series of fraudulent off-shore transfers of investors' securities.

As sole counsel, advising on English law principles in the Bahamas, in a dispute arising from fraudulent misrepresentations about the quantities of materials and labour required for a residential project.

Mott MacDonald v Trant Engineering Limited [2021] EWHC 754 (TCC), [2021] 3 WLUK 544. Dispute arising from engineering services on a military power station project in the Falkland Islands. Simon successfully obtained judgment in the TCC on the proper interpretation of various exclusion and limitation clauses. The successful result meant that the claims against Simon's client, pleaded at £5M+ along with unlimited indemnities, are capped at a maximum aggregate recovery of £0.5M (the claims are denied). Interesting legal issue as whether the character of a breach as allegedly being fundamental, deliberate or wilful could affect the operation of the clauses.

Appointments

- Current executive committee member, TECBAR committee
- Former executive committee member, PNBA

Publications

- Demand Bonds: Certainty in Uncertain Times? (SCL Paper no. 221)

Memberships

- LCIA
- IBA
- TECBAR
- PNBA
- COMBAR

Education

- MA Jurisprudence (Oxford University)
- BVC (Inns of Court School of Law, London)

Languages

- French (good)
- German (working knowledge)

Recommendations

Simon Hale is ranked in Chambers & Partners Global Guide, Chambers & Partners UK, the Legal 500 UK and the Legal 500 EMEA as a Leading Junior in Construction, Professional Negligence, and Professional Negligence: Technology and Construction. The most recent quotes in those directories include:

- There are not enough superlatives to describe Simon's strengths. He is exceptional with gravitas far beyond his level of call. His ability to distil the issues in complex, technical cases is second to none. Clients love him and hang on to his every word
- Simon is hugely talented. On paper he is modern, eloquent and cogent. As an advocate he is in a league of his own
- He is brilliant and incredibly bright – just good at everything and a very impressive advocate
- Incredibly impressive, I would be happy to have him opposite a KC
- He handled a very high-pressure, complex hearing and his advocacy was absolutely word-perfect
- He really is an outstanding tactician and advocate
- Tactically astute and with great judgment. No matter how great the technical complexity of the underlying construction issues, Simon is always all over it
- He has an unerring ability to pitch cross-examination just right
- Fantastic intellect and superbly attentive to detail. My first choice barrister. Prepared to challenge clients to get to the root of the facts. Extremely good working within a team and a brilliant and determined advocate
- He's a delight to work with, clients love him and his drafting and advocacy are top-notch
- Simon is extremely quick on his feet, and is quick to grasp complex legal issues. His advocacy is impressive and he is great at turning complicated legal issues into clear and logical submissions. He is an all-rounder who can be relied upon.
- Simon's ability to produce a magician-like flourish in many of his cases is underpinned by hard work, dedication and spectacular brain power
- He is very commercial and grounded and gets on exceptionally well with clients
- Fiercely bright, determined and has great attention to detail. Excellent at the hearing, with an amazing memory for documents
- Extremely methodical and exceptionally talented at distilling the issues amongst an ocean of information
- He cuts through the morass and gets right to the heart of the issues with alacrity – with the focus and intensity of a laser beam. His thoroughness and attention to detail is fast becoming the stuff of legend

Accreditations

RANKED IN

Chambers

**UK Bar
2022**

Simon Hale