

# Simon Hughes KC

Call: 1995 Silk: 2011

*"A tour de force, the best of the best at the construction Bar."*

Chambers UK Bar 2024



## Practice Areas

- Adjudication
- Advisory
- Arbitration
- Dispute Boards
- International Arbitration
- Litigation
- Mediation
- Professional Negligence
- Construction & Engineering
- Energy & Natural Resources
- Infrastructure & Utilities
- Offshore Construction & Marine Engineering
- PFI & PPP
- Independent Appointments

## Clerk details

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## Practice Overview

Simon Hughes KC is a specialist silk in major construction, engineering, shipbuilding and other off-shore and energy related disputes was recently awarded “Construction and Energy Silk of the Year” for 2019 by the Legal 500. He comes recommended for his client-focused approach, understanding of the technicalities of disputes and his “exceptional” advocacy, cross-examination, and advice. Simon has been fortunate to have acted on some of the largest, and most challenging, heavy civil engineering disputes of the day (including a great deal of highway/highway infrastructure and associated geotechnical work). Simon is ranked in the ‘Star’ category in Chambers & Partners for Construction and is also in the very top ranking in Chambers & Partners (Band 1) for International Arbitration. There are only few silks with these dual top-ranking and this reflects Simon’s stellar practice for major clients and leading law firms. Simon has been ranked in Who’s Who’s Legal as a Thought Leader in Construction and recommended in Arbitration and Construction.

Simon has been involved in disputes involving most standard form contracts used for substantial projects including the JCT standard forms, ICE 5th and 6th editions, the NEC, IChemE, FIDIC (Green, Red, Yellow and Silver Books), and derivative standard form agreements. He has particular experience of FIDIC forms and the NEC. In terms of types of dispute, Simon has particular experience of international power-plant disputes, major infrastructure projects and shipbuilding work, particularly in the Far East, and in disputes where the governing law is not English law. He has represented and advised clients on disputes in Hong Kong, Singapore, Korea, Australia, Dubai and other parts of the UAE, various islands within the Caribbean and New Zealand. Simon has significant experience of working with Korean clients, and particular major Korean contractors, in connection with the mega-projects in which they are often play a crucial role. He has also been admitted to the Bar in Trinidad & Tobago and New Zealand for specific cases.

Whilst a lot of Simon’s work involves arbitration – and he has experience of over 20 different national legal systems being the law of the contract – he is also well-known as a court advocate, both in the TCC and Commercial Court in London, and has been successful in a large number of reported cases.

Disputes in the energy sector are a central part of Simon’s practice as a senior KC. Simon’s dispute and advisory practice encompasses construction of power-generating facilities across the whole spectrum of fuels; transportation and sale of oil, gas and electricity; drilling and exploration disputes; and nuclear new-build and decommissioning disputes. He has recently been selected as the QC to work alongside NNB Genco (HPC) as their project to build two new nuclear reactors at Hinkley Point C in Somerset takes shape.

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## Practice Areas

Construction & Engineering

Simon has been involved in major one-off UK projects such as the Channel Tunnel, the Jubilee Line Extension, the refurbishment of Blackwall Tunnel and work to Thelwall Viaduct. In the international context, involvement in substantial disputes has included those in Nigeria concerned with LNG facilities; pipe line construction and protection works in Kazakhstan and Georgia; and major road projects for a US contractor in Eastern Europe.

- **Substantial retail developments.** Simon is currently involved in disputes relating to the construction of a massive out-of-town shopping complex, and also has an up-coming trial in relation to a very substantial distribution centre in the Midlands (UK). He has extensive experience of new build construction of complex retail, together with disputes arising out of re-development and adaptation of existing construction, both in the UK, the Middle East and in Hong Kong and Singapore.
- **Adjudication across the sector.** Simon has very substantial experience of coming along side clients and supporting them across the whole breadth of adjudications. Simon will get involved at different stages depending upon complexity and client need. In large adjudications and for 'DAB' matters, Simon has prepared the written papers and conducted the hearings, and in the UK, Simon has been counsel in a significant number of the landmark cases on enforcement of adjudicators' decisions by the UK Courts. Simon has experience of a very wide range of disputes in adjudication, from large final account disputes, to specific technical issues raised during major 'live' projects, to claims for professional negligence and disputes over nuclear decommissioning.
- **Complex housing and hotel developments.** In terms of UK work, Simon has acted for employers, contractors and consultants on very prestigious individuals houses, and more often on large commercial developments. He has acted on very large and high-profile disputes over piling in Hong Kong and also disputes in Singapore (where, for example, he acted in an arbitration concerned with construction of a landmark hotel and its casino).
- **Sports venues and stadia.** Simon has been involved in substantial arbitrations concerning race courses and football stadia, both in the UK and overseas. He was involved in litigation and various adjudications associated with the construction of Wembley Stadium.

#### Infrastructure & Utilities

- **Airports.** Simon has been involved in a substantial amount of complex disputes associated with the construction of airports around the globe. He advised and acted for the JV involved in Manchester Airport and was also involved in the expansion of Heathrow. As a junior, he was involved in disputes over Hong Kong airport. More recently, he led a team in a successful DIAC arbitration concerning Dubai's third terminal. He is currently instructed on a substantial Hong Kong arbitration concerned with an air/military base.
- Billion-dollar dispute in relation to multiple road & infrastructure schemes in the Caribbean generally based on the FIDIC Red Book.

#### Energy & Natural Resources

- LCIA arbitration relating to a new-build nuclear station in Abu Dhabi [**nuclear**]
- ICC arbitration (London seat) arising out of the development of the largest gas bloc in Algeria [**natural gas**]

- ICC arbitration (Abu Dhabi seat, Paris hearings) arising out of the development of a very large oil field in the UAE [*oil*]
- A major dispute between a financial institution and a French power generator relating to Teesside power station (TCC London) [*natural gas*]
- Disputes arising out of de-sulphurisation works to an existing coal-fired power station in South Wales (TCC London) [*coal*]
- Currently involved in an arbitration involving a large coal-fired station in South Africa [*coal*]
- A major dispute between a German power generator and Sellafield over the cost of spent fuel reprocessing (Chancery Division London) [*nuclear – spent fuel reprocessing*]
- A series of substantial disputes, in arbitration and ultimately compromised, concerning the construction of wind farms in the North Sea [*wind*]
- A major dispute over a co-generation plant constructed in the North Island of New Zealand which involved Simon spending over 12 months in the Auckland High Court representing Rolls-Royce plc [*wood and natural gas*].

The nuclear power sector has always been of substantial interest to Simon. Shortly after being taken on at Keating Chambers, he worked for several months at Sellafield. Far more recently, Simon has conducted a number of adjudications concerned with various decommissioning projects within the UK. He was involved in a major arbitration associated with the UK's nuclear deterrent. He has also acted for a major German power generating company in relation to its costs of having spent fuel reprocessed in the UK.

#### Offshore, Shipping & Marine Engineering

This is a substantial part of Simon's practice in silk, and an area in which he offers substantial experience. The following are examples of work in recent years:

- Acting in an ICC arbitration for a Chinese yard in relating to Italian engineers in relation to quality of welding.
- Acting for a Chinese/Singaporean yard against a US buyer in an LMAA arbitration who had just entered Chapter 11 in New York.
- Currently acting against a Chinese yard, on instructions from a law firm in Singapore, in an LCIA arbitration in London.
- Acting for a substantial Norwegian engineering services provider against an Egyptian owner of an FPSO in an LMAA arbitration.
- Acting for cabling specialist in connection with a very substantial dispute over sub-sea cabling works.
- Acting in an ad hoc arbitration on behalf of Norwegian buyers of a vessel under construction by a major Korean yard.

#### International Arbitration

Simon has long-standing experience of international arbitration under all of the major sets of arbitration rules (ICC, SIAC, DIAC, LCIA, LMAA, AAA and Swiss Rules) and has a particular expertise in fighting arbitrations, in English, where the law of the contract is not the law of England & Wales. This sort of work requires particular skill and experience, and Simon has arbitrated under the law of in excess of 20 different countries. Examples of recent experience:

- ICC arbitration for FTSE 250 oil company regarding \$100m claim regarding an oil pipeline in Abu Dhabi.
- Arbitration under the DIAC Rules in relation very substantial time/money disputes on Dubai terminal 3 (UAE law/Code).
- Disputes over a reinsurance relating to rigs operating in Uzbekistan. Ad hoc arbitration (Uzbek law/Code).
- Arbitration under the SIAC Rules in relation to the construction of a very high profile development in Singapore (Singapore law).
- ICC arbitration relating to substantial civil engineering projects in Bucharest (Romanian law, seat in Milan and English language).
- Currently involved in a Hong Kong arbitration concerning a very substantial project in East Africa.
- Currently involved in a shipbuilding arbitration relating to project in a Chinese yard subject to LCIA rules (London seat, Singaporean law).

Simon has particular experience and expertise in representing major Korean contractors in international arbitration involving major infrastructure, energy and mining projects through the Middle East and the Asia-Pacific region. Recent examples:

- Arbitration (Singapore seat) in connection with the Roy Hill mining project in Western Australia.
- Arbitration (London seat) in connection with Barakah NPP in Abu Dhabi.

### FIDIC Experience

A specialist area for Simon is large disputes where the contracting terms are based around, or incorporate, FIDIC Conditions of Contract. Simon is the co-author of a leading commentary on the FIDIC Red Book (latest edition now includes Yellow Book) and Simon has previously taught LLM courses, and continues to give seminars, focused on FIDIC. The following examples of recent work show the range of Simon's experience:

- Billion-dollar dispute in relation to multiple road & infrastructure schemes in the Caribbean generally based on the FIDIC Red Book.
- Substantial dispute concerned with a coal-fired power plant in South Africa where the contract is generally based on the FIDIC Yellow Book.
- Substantial dispute in relation to an airport project in the UAE where the contract was based on the Silver Book.
- A series of disputes relating the hospital projects in the Caribbean where the contracts were variously based around the Red Book, the Yellow Book and the FIDIC Sub-Contract Form

### Professional Negligence

Construction-related professional negligence is a significant part of Simon's overall practice. Simon has acted in claims against consulting engineers in connection with the design and build of a well-known sports stadium and architects in relation to the design of a new stand at a wellknown race course. He has acted both for and against professionals in a series of 'fire cases' involving complex technical issues relating to causation and also extent of recoverable loss. Simon has particular experience of professional negligence arising in the context of earthworks, geotechnical investigations, soil stabilisation and

complex sub-sea engineering work (cabling, tunnelling and drilling).

### Commercial Litigation

Simon regularly becomes involved in 'commercial' issues and disputes, whether as a function of his main construction & engineering/energy practice or in any event. Simon is regularly involved in disputes relating to bonds & guarantees; complex issues over insurance and reinsurance of risk; disputes over ownership and entitlement particularly in the insolvency context; and the full range of interlocutory measures aimed at supporting and enforcing international arbitration.

## Reported Cases

- Mulalley & Co. Ltd v Martlet Homes Ltd [2022] EWCA Civ 32
- National Stadium Project (Grenada) Corporation v NH International (Caribbean) Ltd (Trinidad and Tobago) [2020] UKPC 25
- HSM Offshore BV v Aker Offshore Partner Limited [2017] EWHC 2979 (TCC)
- Martlet Homes Limited v Mulalley & Co. Limited [2022] EWHC 1813 (TCC)
- Arcadis Consulting (UK) Ltd v AMEC (BSC) Ltd [2016] EWHC 2509 (TCC)
- National Stadium Project (Grenada) Corporation v NH International (Caribbean) Ltd UKPC 6 (successful appeal from the decision of the Court of Appeal of Trinidad & Tobago on the power of the Court to strike out appeals based on the decision in Credit Foncier of Mauritius Ltd v Paturau & Co (1876) 35 LT 869).
- Squibb vs London Pleasure Gardens and London Borough of Newham EWHC 3275 (TCC) (contract/no contract issues)
- Oakapple Homes v DTR & Others EWHC 2394 (TCC) (insurance and collateral warranties)
- Alstom Power Limited v Somi Impianti SRL (2012) EWHC 2644 (TCC) (vesting clauses in terms of plant brought to site)
- Carillion v RWC and Phi Group Limited EWHC 1379 (TCC) (professional negligence in the context of soil stabilisation works and claims for contribution and the relevant percentage for contributory negligence)
- RWE Npower Plc v Alstom Power & Others EWHC 3061 (TCC) (interpretation of the provisions of a complex power plant contract)
- Carter Holt Harvey v Rolls-Royce plc and Others (Cooper J on 27 August 2009, Auckland High Court) (issues raised during a complex and long running trial about admissibility of expert evidence)
- British Nuclear Group Sellafield Ltd v Kernkraftwerk Brokdorf and others EWHC 2245 (Ch) (long trial concerning re-processing of spent fuel at Sellafield)
- Multiplex Constructions Limited v Mott Macdonald EWHC 20 (TCC) (adjudication enforcement in relation to project documentation held by the consulting engineers to the project)
- Scheldebouw BV v St James Homes (Grosvenor Dock) Ltd BLR 113 TCC; Cons LJ Vol. 22 No.6; CILL 2313; BLM Vol.23 (question of construction as to whether the employer could replace the independent certifier by stepping into the role

himself)

- AMEC Civil Engineering Ltd v Secretary of State for Transport (2005) 1 WLR 2339 CA, [2005] Con LJ Vol. 21 No.8 p.640 CA, [2005] 101 Con LR 26 CA, [2005] CILL 2228 and [2005] BLR 227 CA and [2005] CILL 2189 TCC (the meaning of 'dispute' and the operation of Clause 66 of the ICE standard form)
- AMEC Civil Engineering Ltd v Secretary of State for Transport (Con LJ Vol. 21 No. 8 p.640 CA) Con LJ Vol. 21 No. 8 p.640 CA
- Wimbledon Construction Co Ltd v Vago BLR 374 TCC
- Wimbledon Construction Co 2000 Ltd v Vago 101 Con LR 99 TCC (adjudication/stay of execution)
- AMEC Civil Engineering Ltd v Secretary of State for Transport (101 Con LR 26 CA) 101 Con LR 26 CA
- AMEC Civil Engineering Ltd v Secretary of State for Transport (CILL 2189 TCC) CILL 2189 TCC
- AMEC Civil Engineering Ltd v Secretary of State for Transport (CILL 2228 and [2005] BLR 227 CA) CILL 2228 and [2005] BLR 227 CA
- Dwr Cymru (Welsh Water) v Carmarthenshire County Council EWHC 2991 (TCC) (limitation and acknowledgment of a debt)
- Thames Water Utilities Ltd v London Regional Transport 95 Con LR 127 TCC (causation issues in relation to the failure of a substantial water main)
- PC Partitions v Canary Wharf Contractors Limited EWHC 1766 (TCC) (contract/no contract issues)
- Conor Engineering Ltd v Les Constructions Industrielle BLR 212 TCC (adjudication enforcement)
- Westminster Building Co Ltd v Beckingham 94 Con LR 107 and [2004] BLR 163 TCC (adjudication enforcement)
- Picardi v Cuniberti 94 Con LR 81 TCC (whether the Unfair Terms in Consumer Contract Regulations applied to adjudication)
- Rupert Morgan Building Services v Jervis 91 Con LR 81 and [2004] BLR 18 CA (summary judgment on a certificate)
- Rupert Morgan Building Services (LLC) Ltd v Jervis 1 WLR 1867 (summary judgment on a certificate)
- Road Management Services (A13) plc v London Power Networks plc All ER (D) 342 TCC (construction of the NRSWA)
- Orange EBS Ltd v ABB Ltd (2003) BLR 323; (2004) 20 Construction Law Journal 30 (adjudication enforcement)
- Orange EBS Ltd v ABB Ltd (2004) Const LJ Vol 20 No. 1 30 TCC
- Picardi v Cuniberti BLR 487 TCC
- Baldwins Industrial Services Plc v Barr Limited BLR 176 (adjudication enforcement and 'construction operations')
- Baldwins Industrial Services plc v Barr Ltd CILL 1949 TCC
- Watkins Jones & Son v Lidl UK 86 Con LR 155 TCC (adjudication enforcement)
- Isovel Contracts Ltd v ABB Building Technologies Ltd 1 Butterworths Company Law Cases 390 Ch. Div (adjudication enforcement)
- Sherwood and Casson Limited v McKenzie EWHC 274 (TCC) (adjudication enforcement)

## Other information

### Education & Professional Career

- Public Access Training, 2015
- Queen Counsel, 2011
- Judicial Assistant to the Court of Appeal, 1997
- Keating Chambers, 1996
- Called to the Bar (Gray's Inn), 1995
- Diploma in Law, City University, 1994
- Thyssen Prize in Modern and Mediaeval History, 1991
- Heath Harrison University Prize for, German 1991
- BA in Modern History and Modern and Mediaeval Languages Magdalen College, Oxford (Scholar, Double First Class), 1990-1993

### Memberships

- Member of the Society of Construction Law
- Member of Technology and Construction Bar Association (TECBAR)
- Member of Commercial Bar Association (COMBAR)

### Seminars & Publications

- Contributor to GAR Guide to Construction Arbitration (2018, 2<sup>nd</sup> edition).
- Co-author in relation to chapters on Adjudication and FIDIC, Keating on Construction Contracts – Tenth Edition (2016)
- Understanding the FIDIC Red Book 2nd Edition, Simon Hughes QC, 10 January 2012.
- Contributor, Keating on Construction Contracts – Eighth Edition (2006) and Ninth Edition (2012).
- Understanding the New FIDIC Red Book: a clause-by-clause commentary Simon Hughes QC & Jeremy Glover of Fenwick Elliott. Third Edition recently published as a commentary on the Red and Yellow Books, 2017 Amendments.
- Editor of Chitty on Contracts (29th Edition 2004).

### Recommendations



"Simon Hughes is incredibly quick, switched on and understands the commercial position well. He can elegantly cut to the chase and get directly the heart of the issue."

International Arbitration, Chambers Asia-Pacific 2025

"Simon is very impressive; he handles a lot of work that he balances brilliantly."

International Arbitration, Chambers Asia-Pacific 2025

"He truly is at the top of his game."

Construction, Chambers & Partners UK Bar 2025

"Simon Hughes is our first port of call for any significant and complex matter."

Construction, Chambers & Partners UK Bar 2025

"Simon is detail driven and strategy-focused, with an excellent client-facing manner."

Energy & Natural Resources, Chambers & Partners UK Bar 2025

"He has a really nice, determined but polite advocacy style."

Energy & Natural Resources, Chambers & Partners UK Bar 2025

"Simon Hughes is really excellent."

Energy & Natural Resources, Chambers & Partners UK Bar 2025

"Simon has a keen ability to devise a clear strategy, taking in all the moving parts, which then comes to life compellingly through his advocacy."

Energy & Natural Resources, Chambers & Partners UK Bar 2025

"He's an excellent silk."

International Arbitration: Construction/Engineering, Chambers & Partners UK Bar 2025

"Simon is detail-driven and strategy-focused, with an excellent client-facing manner."

International Arbitration: Construction/Engineering, Chambers & Partners UK Bar 2025

"He's very smart and he has a really nice determined yet polite advocacy style."

International Arbitration: Construction/Engineering, Chambers & Partners UK Bar 2025

"Simon is really excellent, He's very much part of a counsel team."

International Arbitration: Construction/Engineering, Chambers & Partners UK Bar 2025

"Simon is a true heavyweight construction silk and one of the best at the Bar - user-friendly, pragmatic and authoritative."

International Arbitration: Construction/Engineering, Chambers & Partners UK Bar 2025

"Simon is undoubtedly a star of the construction Bar. Thorough, industrious and a skilled advocate, he is the first choice for many of the big players in the construction field."

Construction, Legal 500 UK Bar 2025

"Precise, strategic, and decisive, Simon is able to get straight to the heart of the matter, appreciating the legal and commercial issues at play."

Energy, Legal 500 UK Bar 2025

"Simon is very persuasive. He is charming which is disarming and very effective."

International Arbitration: Counsel, Legal 500 UK Bar 2025

'Simon is an excellent strategist, and has very good judgement. On difficult issues to which there is no clear answer, Simon will invariably be right as to which way the tribunal will lean.'

Construction, Legal 500 EMEA 2024

'Simon Hughes KC has an astonishing ability to master highly technical engineering issues, pluck out the pressure points and make a compelling case, even when the facts and applicable laws are not in his client's favour. Simon's professionalism is on display at all times and he goes out of his way to ensure smooth execution for all involved - a pleasure to work with.'

Chambers Asia-Pacific 2024

'He is extremely hard-working. He is very good at juggling different cases but never loses sight of the bigger picture in each case. His advocacy is always impressive in terms of cross-examination and submissions.'

Chambers Asia-Pacific 2024

'A razor-smart and charming advocate.'

Construction, Chambers UK Bar 2024

'A tour de force, the best of the best at the construction Bar.'

Construction, Chambers UK Bar 2024

'A very thorough advocate who's at the top of his game.'

Construction, Chambers UK Bar 2024

'Simon Hughes is a first-class operator with a scary intellect.'

Construction, Chambers UK Bar 2024

'Simon has an extremely sound strategic sense, and has an uncanny ability to know the tribunal's mind. His oral advocacy is assured and effective.'

Construction, Legal 500 EMEA 2023

'Hands on, sharp and excellent in cross examination. He can easily navigate through the complex issues at stake while maintaining an eagle eye focus on the main point. His advocacy skills are pure and turns a complex subject into simple straightforward story.'

International Arbitration, Legal 500 2023

'A very effective oral advocate, he appreciates and understands the client's business considerations and has a thorough but pragmatic approach regarding winning strategies.'

Energy, Legal 500 2023

'Simon is brilliant. He is incredibly bright, but it is his ability to quickly set the correct strategy, his manner with clients and his output that really set him apart.'

Construction, Legal 500 2023

'Ferociously hard-working, very experienced and knowledgeable in construction law, and good with the clients.'

Construction, Chambers UK Bar 2020

'He is a very good technical lawyer in his ability to get into the details.'

Energy, Chambers UK Bar 2020

'He is very impressive as an advocate and has been exceptionally good at client management.'

International Arbitration, Chambers UK Bar 2020

'An exceptional silk, incredibly intelligent and articulate.'

Construction, Legal 500 2020

'He has a keen eye for detail and works enormously hard to achieve the right result for the client.'

Energy, Legal 500 2020