

Simon Whitfield

Call 2009



Clerks' Details

Joe Mawson
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Appointments

- TECBAR Accredited Adjudicator
- UK Adjudicators panel member

Memberships

- The Northern Circuit
- The Northern Circuit Commercial Bar Association
- The Chancery Bar Association
- Technology and Construction Bar Association
- Technology and Construction Court Users Group Committee Member

Education

- BA (Law), Magdalene College, University of Cambridge, 1989
- (MA, 1991) Law Society Finals, Chester College of Law (1990)
- Hong Kong SAR PRC, Overseas Lawyers Qualification Examination (2003)

Construction CV

Overview

Simon has vast experience as a construction advocate and is routinely instructed on large and complex construction and engineering matters. Formerly a Partner at Squire Patton Boggs, Simon brings a real depth of experience to his work, and has developed a truly niche practice in complex construction cases since transferring to the Bar.

He advises on all aspects of the process from procurement through the whole project life-cycle. He has extensive experience of the traditional standard forms of contract, bespoke agreements, PFI and PPP. He regularly appears in the TCC and frequently lectures at events with TCC Judges.

Simon is a TECBAR accredited adjudicator and also accepts appointments as a mediator.

He has lectured widely (including in China and India) to both clients and professional associations on subjects of current interest. He also teaches students on the Bar Vocational Training Course.

Recommendations

“He is approachable, knowledgeable, gives clear advice and makes himself available within a short period of time, which is very helpful.”

Chambers and Partners 2021

“He is good at cutting through the chaff and getting to the real points.”

“His approach is sensible while still being robust in protecting his client’s interests.”

Chambers and Partners 2020

“He is highly responsive to solicitors’ needs.”

“He is very user-friendly and has a good presence with clients.”

“He has lots of experience in various construction disputes.”

Chambers and Partners 2019

“Simon always makes himself available to his clients and is hard-working and outcome-focused.”

“He managed to digest an awful lot of information very quickly, which was really impressive.”

Chambers and Partners 2018

“Known for his expertise in complex contentious matters.”

Chambers and Partners 2017

“He has a wealth of knowledge and confidence with his approach to complex matters. He makes himself available and does his best to accommodate last minute instructions, which is very helpful when deadlines are received with little notice.”

The Legal 500 2021

“Particularly recommended for construction and business rate disputes.”

The Legal 500 2020

“Very experienced in construction and engineering disputes.”

The Legal 500 2018/19

“He has a sharp analytical mind.”

The Legal 500 2017

“Clients single out Simon Whitfield as being “knowledgeable”... “capable” and highly regarded for contentious work.”

The Legal 500 2016

Cases

Appearing in the TCC on an Application under s.67 Arbitration Act 1996 to challenge the award of an arbitrator on the ground that he lacked substantive jurisdiction.

Successfully pursuing a claim in arbitration for a local authority concerning the design of a water culvert extension and thereafter successfully resisting an application under ss.68-69 Arbitration Act 1996 to challenge the award – **Halcrow Group Limited v Blackpool Borough Council [2016] EWHC 3596 (TCC)**.

Advising a firm of engineers regarding its liability to a developer for allegedly negligent design work.

Advising clients in numerous adjudications, including appearances at hearings. Acting for the claimant in its claim against a QS firm for negligent project management.

Acting as adjudicator in a case where the Court of Appeal subsequently considered the imposition of a stay of execution in circumstances where allegations of fraud had not been raised in the adjudication – **Gosvenor London Limited v Aygun Aluminium UK Limited [2018] EWCA Civ 2695**.

Advising a public transport authority in respect of a contractual right to disclosure of documents – **Transport for Greater Manchester v Thales Transport and Security Limited [2012] EWHC 3717 (TCC)**.

Acting for the responding party local authority in an adjudication brought by a contractor under an NEC form of contract for the construction of a school campus.

Acting for a national contractor in a tunnelling dispute under the NEC form of contract, including early advice and preparing for and appearing at an adjudication hearing.

Advising a registered charity in a professional negligence claim against an architect.

Acting for an airport on issues arising out of the design and construction of a new runway, including dealing with contractual Conciliations.

Advising a transport authority in a complex and major dispute arising out of the expansion of a tram network signalling system.

Acting for a local authority in a dispute concerning the construction of a major public art facility.

Appearing at the trial of a dispute arising out of the renovation of a Listed Building.

Representing two national contractors through to trial in separate disputes over major

re-roofing projects.

Acting for a university in a dispute with a design and build contractor under the JCT form of contract.

Pursuing to trial a claim of a contractor arising out works to the clients' home – **Optimus Build Limited v Southall [2020] EWHC 3389 (TCC)**.

Acting for a port company in a dispute with a dredging contractor under the ICE form of contract.

Advising an engineering systems contractor in a dispute arising out of the design and construction of a power station.

Acting for a government sponsored regeneration agency in a dispute over design issues at a science park.

Advising a Dutch contractor in relation to a gas separation facility in The Netherlands.

Acting for a local authority in successfully defending adjudication proceedings brought under a major PFI contract.

Acting as a mediator in a dispute arising out of the development of a residential area.

Appearing for a contractor in a mediation of a dispute arising out of the design and construction of a restaurant development.

Advising a client concerning the professional liability of an architect under an agreement for the development of a site in France.

Successfully resisting a respondent's application for the stay of enforcement of an adjudicator's award.

Acting for a local authority on its claim under the Building Act 1984 in respect of a dangerous structure.