

Patrick Heneghan

Year of Call: 1997

Email Address: patrick.heneghan@3pb.co.uk

Telephone: 020 7583 8055



Construction and engineering

Patrick Heneghan has considerable experience of engineering and construction disputes including professional negligence claims. He is a member of the Technology and Construction Court ("TCC") Users Committee and regularly advises and acts in relation to disputes arising under the standard form contract suites (including JCT, NEC and FIDIC) and professional engagements (including RIBA PSC, ACE PSA and RICS SFCA). As well as his experience in the Business and Property Courts in the UK (including the TCC), Patrick has a particular specialisation in international arbitration, acting for clients in variety of seats and under all the major institutional rules.

Patrick represents clients in adjudications under the 1996 Act and in respect of the enforcement of adjudicator awards. He also accepts appointments as adjudicator.

Representative matters include acting for:

- A housing association in arbitration proceedings under the JCT Construction Industry Model Arbitration Rules concerning a multi-million pound claim against its design and build contractor in relation to defective cladding and other fire safety related matters.
- The UK subsidiary of a multi-national contractor specialising in the design and construction of sports stadia in an adjudication of a professional negligence claim. The claim was brought by a championship football club in relation to a multi-million pound project to refurbish a historic stand and construct new facilities at its home ground. The dispute involved consideration of the compliance of the design with the Guide to Safety at Sports Grounds (the "Green Guide") and included claims for lost ticket sales and revenue from hospitality facilities and other consequential losses.
- A leading UK architectural practice specialising in social housing in a series of three adjudications against a public authority in relation to various disputes arising out of a multi-million pound project to refurbish and significantly increase the safety and energy efficiency of one of London's largest and most high-profile social housing estates.
- A developer in a professional negligence claim against an engineering company in relation to a sewer survey that failed to identify correctly the location of a major sewer crossing a development site. The sewer was subsequently hit during piling operations causing significant direct and consequential loss.
- One of the UK's oldest housing associations in respect of a multi-million pound arbitration claim under the LCIA Rules against a private developer for breach of a joint venture agreement relating to a £120 million project to develop a mixed private and social housing project in London.
- The owner of a 1.2 GW combined-cycle gas-fired power station, at the time one of the largest non-recourse financed power projects in Europe, against its design and build contractor in ad hoc arbitration proceedings seated in London. The owner successfully claimed significant liquidated damages for delay and defended counterclaims for extensions of time and loss and expense.
- A US company in an ICC arbitration, seated in Paris, in relation to disputes arising out of a contract for the supply of turbine, generator and associated equipment for the construction of a single-cycle dual-fuel power station in Kuwait.

Matters in dispute included whether or not the equipment supplied was in accordance with the contractual requirements and the supplier's other obligations to ensure that the "*back starting*" and "*black starting*" equipment worked at the standard voltage in Kuwait.

- The British subsidiary of a US company in relation to the wrongful termination of the hire of what was, at the time, the world's largest harsh environment jack-up rig, the *Rowan Gorilla V*, due to claims that various pieces of equipment on board were defective and unsafe.
- A European electricity company in ICC arbitration proceedings in Stockholm in relation to disputes arising under a long-term energy supply and off-take agreement concerning the commissioning of 3 x 400MW turbines and associated performance bonuses.
- A British engineering company in relation to disputes arising out of the delay and costs incurred by the contractor in meeting employer requirements in relation to the construction of the *Tsing Ma Bridge* in Hong Kong, one of the world's longest suspension bridges.
- An Asian subsidiary of a US company in ICC arbitration proceedings in Singapore in relation to disputes arising from a project to design and build a congestion charging system.
- One of India's leading real estate developers in a series of connected LCIA arbitrations seated in London in respect of disputes arising out of a slum rehabilitation development project in India. These disputes included claims that the developer had failed to achieve certain milestones for the project by the stipulated dates as a result of *force majeure*.

Recommendations

Mr. Heneghan has been identified as a "rising star" in the Guide to the World's Leading Experts in Commercial Arbitration (2013) and as "up and coming" in Chambers UK (2015). He is also recommended in both The Legal 500, where he is praised by clients for "achieving results" (2012) and providing "technically sound advice" (2013), and Chambers UK, in which he is described as "superb" (2013) and a "quality individual" (2015).

His work was recently recognised in the Financial Times' "Innovative Lawyers 2014" report where one of his matters was "Highly Commended" in the Disputes Resolution field. He is also acknowledged by The American Lawyer as having participated in one of the highest-value international arbitrations of recent years.

Academic qualifications

- Inns of Court School of Law, Bar Finals. Middle Temple, Major Scholar
- Middle Temple, Major Scholar
- M.A., Downing College, Cambridge
- B.C.L., Brasenose College, Oxford

Professional qualifications & appointments

- Called 1997, Middle Temple

Professional bodies

- Member of the London Court of International Arbitration
- Member of the British Institute of International and Comparative Law
- Member of Technology and Construction Bar Association (TECBAR)
- Member of The Society of Construction Law

- Member of the Honourable Society of the Middle Temple