

# Andrew Tweeddale

## Profile Summary



Andrew Tweeddale is a director of Corbett & Co.

Andrew has acted for clients in all forms of ADR as well as arbitrations and litigation. He was involved in the reported cases of *OHL v Her Majesty's Attorney General for Gibraltar* [2014] EWHC 1028; *Bovis Lend Lease Ltd v. Braehead Glasgow Ltd* [2000] EWHC Technology 108 and in *Rasenberg Infra BV v. Salt International Ltd* (2016), which dealt with the enforcement of an arbitration award. Andrew became a barrister in February 1992 and joined Corbett & Co. in 1995 as a specialist construction lawyer. He requalified as a solicitor in November

1998. In 1999 he moved to Norton Rose and returned to Corbett & Co. in 2005. He became a Director of Corbett & Co. in January 2008.

Andrew has experience of all the major forms of construction contract. He has been involved with multi-billion dollar international arbitrations around the world, including a number of major road and railway projects in Africa, Europe and the Middle East. He has advised contractors on complex delay, disruption and prolongation claims. He has recently been involved in disputes relating to tunnelling on hydropower projects.

- Andrew has dealt exclusively with construction law disputes since 1995. He has acted as advocate in a number of DABs and international construction arbitrations.
- Andrew has been involved with many major international infrastructure projects around the world and, in particular, road, rail and hydropower projects.
- Andrew has written two leading text books on arbitration law and contributed to two further books on arbitration. His books and articles are regularly cited in construction cases around the world.
- Andrew is an accredited solicitor advocate, and a member of the Honourable Society of the Inner Temple. He is a panel arbitrator with the Chartered Institute of Arbitrators and a CEDR panel adjudicator.
- He is recommended in the Legal 500. He has been noted for his '*...great experience and very good time management*' and '*exceptional written work and advocacy skills*'. Andrew featured in Thompson Reuters' list of Super Lawyers between 2013 and 2015.

Nationality: British

Languages: English and Intermediate Spanish

**Expertise:**

Subject	Description	Country
<b>Roads</b>	Three ICC arbitrations on road building projects in Malawi and Ethiopia. The seat of the arbitrations were London and Paris.	Africa
	ICC arbitration on a delay and disruption claim. The seat of the arbitration was Warsaw and the contract was subject to Polish law.	Poland
	ICC arbitration on a dispute for non-payment of DAB Decisions, extension of time and prolongation cost. The seat of the arbitration was Paris.  Three ICC arbitrations (subsequently consolidated into a single arbitration) relating to the rehabilitation of a road in Romania. The claims related to delay and disruption to the project, limitation and the interpretation of a settlement agreement. The seat of the arbitration was Paris.  DRB proceedings relating to the construction of a bypass. The claim was for acceleration costs resulting from a failure by the Employer to award an extension of time for flooding and unforeseeable ground conditions.  DAB proceedings relating to the suspension of a road project due to landslides.  DAB proceedings relating to delay and disruption claims by a Contractor and the termination of a contract.	Romania
	A final account claim relating to the rehabilitation of 55km of road. The issues related to prolongation costs, overheads and profit.	Ukraine
<b>Railways</b>	Acting on a US\$ 1 billion commercial railway project. Drafting and preparing claims for the JV in relation to delay, disruption and variations.  Advising on a tender for a US\$ 15 billion railway project.	Middle East
	Adjudication proceedings about liquidated damages claimed for delays on the rehabilitation of a rail line.  RIDR arbitration against the manufacturer of rolling stock for a railway line.  Acting for an inter-mezzanine financier reviewing PFI dispute resolution provisions relating to the privatisation of an underground line.	England
	ICC arbitration on the non-payment of DAB Decisions and interim payment certificates as well as claims for additional time, prolongation costs and disruption. The value of the claim is in excess of €90 million.  Eighteen FIDIC DAB referrals on claims by various contractors.  Drafting claims for an Italian sub-contractor against a main contractor for prolongation costs caused by delay to the track laying and tamping	Romania



	operations.	
<b>Energy and Dams</b>	Acting for an English company in High Court proceedings relating to a supply contract for a gas dryer from an Italian contractor.	England
	Advising on the payment of climate change levies under a Supply Agreement. The contract related to a waste to energy plant in England.	
	Advising on the supply of cables to a wind-farm in England.	
	Acting for a European contractor in an adjudication against a supplier in relation to defects in a Heat Recovery Steam Generator.	
	ICC arbitration proceedings against a sub-contractor relating to the construction of an air separation unit in Holland.	Holland
	Advising an Indian Construction Company on global claims and ADR.	India / Nepal
	Advising on a claim against a contractor following termination of a tunnelling project.	
	Advising on a claim against a contractor following termination of a hydropower project.	
Negotiating the terms of a multi-million Euro contract for the provision of a dynamic reactive power compensation system for a wind-farm.	Kenya	
Advising on a supply agreement to provide a number of Heat Recovery Steam Generators at four sites in Saudi Arabia.	Saudi Arabia	
Acting for an Employer in the defence of a claim for an extension of time and prolongation costs from the redevelopment of a coal fired power station in Serbia. The contract was a FIDIC Silver Book and the DAB proceedings were held in Vienna.	Serbia	
Drafting a settlement and novation agreement on a US\$ 680 million power project which included three 135 MW boilers, steam turbines and generator sets.	Sudan	
Drafting a Request for Arbitration on a US\$138 million dispute relating to the construction of an extension to a power station.		
<b>Dredging &amp; Ports</b>	Mediation and then ICC arbitration on the construction of a new breakwater on a port development project.	Africa
	ICC arbitration about a claim against a subcontractor for failing to provide Plant	
	DAB claim on a dredging contract relating to unforeseeable ground conditions and the discovery of ordnance in a port in Albania. The dispute was then referred to ICC arbitration.	Albania



	Advising a Swedish firm in relation to the undersea works to a sunken ship. The contract was under the 1 <sup>st</sup> edition of the FIDIC Orange Book.	Estonia
	Advising a developer on the dredging and reclamation of land for a new housing complex in Gibraltar. The contract was under FIDIC's Yellow Book.	Gibraltar
<b>Buildings</b>	Adjudication, mediation and litigation in relation to the development on the sea front project: <i>Richardson Roofing Company Ltd v The Colman Partnership Ltd</i> [2009] EWCA Civ 839.  Acting in an HGCRA adjudication for a construction company in a claim against the developer of a hotel in London.  Acting for a contractor in an arbitration in London. The claim was against the designer of air conditioning units for a television studio.  Acting in an expert determination in relation to a defects claim to a nursery. The innovative design of the building was constructed of rammed earth.  Advising and negotiating architect's terms of appointment.  Acting for various contractors and developers in relation to claim for non-payment claims and claims for delay.	England
	Advising a client on defects in the baggage handling system in an airport project.	Romania
	Arbitration in relation to a defects claim to the walls and roofs of a number of blocks of flats.  Arbitration in relation to a defects claim under the JCT Rules with the seat of arbitration in Gibraltar. Proceedings were then commenced in the High Court of England.	Gibraltar
	Acting for a contractor in relation to a non-payment claim for works executed and delay and disruption of a commercial building.	Middle East
	Acting for an English developer in a JCT arbitration relating to the construction of a shopping centre in Scotland. The contract value was in excess of £100 million.	Scotland
<b>Other</b>	Instructed by a development bank to review and re-draft Standard Bidding Documents for the Procurement of Goods.	Africa
	Advising on a claims relating to a baggage handling system and the final account on an airport	Romania
	Acting as advocate in a FIDIC DAB for a contractor regarding delay and disruption claims to a sewerage project. The contract was a FIDIC 1999 Red Book. The contract value was in excess of €15 million.	Croatia



	Acting in a FIDIC DAB for non-payment of an interim application for payment on a sewerage plant. The claim was just over €1 million.	
	<p>Counsel in ICC arbitration proceedings in London relating to the supply of goods and delays caused by force majeure events in Egypt.</p> <p>Acting in court proceedings to enforce an LMAA arbitration award arising from the termination of a salt supply contract.</p> <p>Acting for an owner of a paper mill in relation to a HGCRA adjudication against an engineer for the negligent design.</p> <p>Acting in relation to an oral guarantee given to a sub-sub-contractor by a main contractor following the insolvency of the sub-contractor. The claim was for £730,000.</p> <p>Acting in High Court proceedings for an English contractor who claimed for unpaid sums for removal of spoil.</p> <p>Reviewing and advising on the CRINE form of contract on an oil and gas project.</p> <p>Due diligence exercise completed on the purchase of a power station by Scottish Power.</p>	England
	Advised in the case of <i>OHL v Her Majesty's Attorney General for Gibraltar</i> [2014] EWHC 1028 which dealt with a tunnel under an airport.	Gibraltar
	Acting for a contractor on a project relating to alleged defects to a water pipeline. The claims were over US\$ 1 billion. The contract was a bespoke agreement loosely based on FIDIC Red Book 4 <sup>th</sup> edition.	Libya
	Reviewing a joint venture agreement for the construction of a water and sewerage plant.	Trinidad and Tobago
<b>Adjudicator</b>	<p>Appointed as an adjudicator under a bespoke agreement in relation to a claim for defects and non-payment for works to property in London.</p> <p>Appointed as an adjudicator on a house refurbishment project.</p> <p>CISAS panel adjudicator for CEDR.</p>	England

**Career:**

Date	Location	Company	Position	Description
1991-1992	Colchester	Hambro Legal	Legal Adviser	Barrister advising on all forms of law



1992-1995	London	Barrister at Verulam Chambers & Eldon Chambers	Barrister	Barrister at a mixed common law and criminal practices.
1995-1999	London	Corbett & Co.	Assistant Solicitor	Specialist in international construction dispute resolution, with particular emphasis on the FIDIC contracts.
1999-2005	London	Norton Rose	Senior Assistant Solicitor	Member of the construction law team dealing with both international and domestic construction disputes.
2005 - to date	London	Corbett & Co.	Director	Specialist in international construction dispute resolution, with particular emphasis on the FIDIC contracts.

**Education:**

Institution	Degree(s) or Diploma(s) obtained:
Reading University (1987-1990)	Bachelor of Laws LLB (Hons) 2:1
London South Bank University (1994-1995)	MSc (Distinction) in Property Law. Award Titmus, Seiner, Dechert prize for excellence.
The College of Estate Management (1994-1995)	Diploma in Arbitration
The Chartered Institute of Arbitrators (2001)	Diploma in International Commercial Arbitration

**Membership of professional bodies:**

Solicitor-Advocate, Law Society of England and Wales  
 Fellow, Chartered Institute of Arbitrators (FCI Arb)  
 Member, International Bar Association (IBA)  
 Member, Society of Construction Lawyers (SCL)  
 Member, Honourable Society of the Inner Temple

**Other Relevant Information:**

Books/ Publications/Articles	Details
Author	‘Arbitration of Commercial Disputes: International and English Law and Practice’ (2005) OUP. Updated as a student edition text in December 2006
Author	‘A Practical Approach to Arbitration Law’ (1999) Blackstone
Contributor	‘ADR, Arbitration, and Mediation: A Collection of Essays,’ edited by Betancourt and Crook (2014) AuthorHouse
Contributor	‘Defining Issues in International Arbitration. Celebrating 100 Years of the Chartered Institute of Arbitrators, edited by Betancourt (2016) OUP
<p>Numerous articles published in Arbitration International, Arbitration, Arbitration News, International Construction Law Review, Estates Gazette, and Construction Law International. The most recent include:</p>	<ul style="list-style-type: none"> <li>• The Need For Reasons – O, Reason Not The Need (2019) Arbitration, Vol 85 (2) p 153</li> <li>• The Courtesy Trap – FIDIC’s Sub-Clause 20.5 – Amicable Settlement and Emirates Trading (2016) ICLR Vol.1 p.75</li> <li>• Cutting the Gordian Knot: Enforcing Awards where an Application Has Been Made to Set Aside the Award at the Seat of the Arbitration (2015) Arbitration, Vol.81 (2)pp.137-149</li> <li>• Causes of Action – Recovering Monies Paid Under an Adjudicator’s Decision (2014) CLJ Vol 30(8) p.390</li> <li>• Section 69 of the English Arbitration Act 1996 – When Fact and Law Collide, (2014) Arbitration, Vol. 80(2), p.124</li> <li>• Section 69: Of Chablis, Smoked Salmon and Trifles (2013) Arbitration, Vol. 79(3), p.265</li> </ul>