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## ROBERT EVANS

**Call:** 1989

**revans@keatingchambers.com**

### Areas of practice

- Construction & Engineering
- Offshore Construction & Marine Engineering
- Energy & Natural Resources
- Mediation

### Clerks' Details

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### Practice overview

Robert Evans began his career as a civil engineer, working for international consultants and contractors in the UK and in Hong Kong, specialising in marine works and dredging. He was admitted as a corporate member of the Institution of Civil Engineers in 1985 and was made a Fellow in 2008.

Robert was called to the Bar in 1989 and as a member of Keating Chambers he specialises in construction, engineering and energy disputes and professional negligence work in the UK and abroad. He is a Fellow of the Chartered Institute of Arbitrators.

His practice covers a wide variety of advisory work, drafting and advocacy, both in the High Court and in arbitration (both domestic and international). He has acted for national and local governments, public authorities, private sector employers, contractors, sub-contractors, consultants, architects and engineers.

Robert has advised on a number of ship building disputes, including those relating to a number of military vessels (destroyer, frigate, submarine and landing craft), marine transmission and propulsion units and a number pleasure craft.

Robert Evans regularly accepts appointments as arbitrator, adjudicator and mediator, and is a member of the Institution of Civil Engineers' and Engineers Ireland Panel of Arbitrators.

In addition, he has a particular interest in yacht and boat design and construction and has sailed at representative level for Great Britain and Hong Kong. He is also trustee of the Tall Ships Youth Trust.

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## Recent Cases

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### Construction & Engineering

- Acting for the supplier of a computer numerically controlled woodworking machine in adjudication and subsequent enforcement proceedings.
- Representing a national contractor in a claim by local authority alleging damage caused by dewatering for construction of a deep basement, including claims against specialist dewatering sub-contractors and consultants.
- Acting for sub-contractor in serial adjudications and enforcement proceedings arising out of a dispute with main contractor for the strengthening of a major motorway viaduct.
- Acted for a Government department on disputes relating to 25 year PFI contracts for the provision of water and sewerage services for over 3,000 sites in England, Wales and Scotland.
- Advising an international architectural practise on a number of fee disputes.
- Acting for a national Port authority in ICC arbitration proceedings against a design and build contractor in relation to defects in a container terminal.
- Instructed by the Treasury Solicitor in relation to arbitration proceedings against multi-disciplinary consultant arising out of the refurbishment of one the Parliamentary Estate buildings.
- Representing a firm of architects at all stages of an arbitration relating to its fee claim and the local authority employer's professional negligence counterclaim over a lottery funded arts venue refurbishment project (the arbitration ran for some 100 days).
- Representing a local contractor in an arbitration over the construction of a highway in Dubai.
- Acting for a number of high net worth individuals in disputes over the construction and/or renovation of private dwellings.

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*“Hugely sensible and really knows his stuff.”*

Chambers & Partners, 2015

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### Offshore Construction & Marine Engineering

- Advising owner of a private super yacht in dispute with shipyard over a major refit.
- Advising on defects in the design and construction of an artificial surf reef.
- Acting for the purchaser of a company in relation to defects in the design and regulatory approval of a ballast water management system.
- Advising on a payment dispute relating to the dredging and construction of a container terminal extension.
- Advising on disputes over delay and additional payment arising out of the construction of a T23 frigate, T45 destroyer and ALSL.
- Advising on contractual issues arising out of the design and construction of a submarine.
- Acting for the supplier of marine transmission and propulsion units in a dispute over defects.
- Acting for an owner of a private yacht in a dispute over defects in the propulsion systems.

### Energy & Natural Resources

- Representing the British Coal Corporation (the Department of Trade and Industry) in the contribution claims against Coal Mining Contractors in the British Coal Respiratory Diseases Litigation, with particular reference to the contracts and contractual claims.
- Acting in a dispute over the in-service failure of wind turbine components.

- Advising and drafting pleadings on a major ICC arbitration relating to a petro- chemical plant in Mexico.
- Acting for a mining contractor in a payment dispute relating to an open cast mine in the United Kingdom.

#### Examples of current or recent Tribunal Appointments

- Appointed by the parties as adjudicator in a dispute over valuation, payment, delay and disruption arising out of the construction of a major waste-to-energy project.
- Party appointed arbitrator in a substantial arbitration in Dubai.
- Party appointed arbitrator in a payment dispute arising out of the construction of major marine works in South Africa.
- Sole arbitrator in a delay and payment dispute in relation to a co-generation power plant in Oman.
- Party appointed adjudicator on two separate disputes on a major UK infrastructure project.
- Appointed by the parties as adjudicator in a dispute relating to a defective concrete slab in a factory warehouse.

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*“Extraordinarily bright, he is able to grasp the issues quickly, and provides very clear, user-friendly advice.”*

Chambers & Partners, 2014

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#### Mediation

Robert Evans is a CEDR accredited mediator and is the author of the Chapter on mediation in the Engineer’s Dispute Resolution Handbook (Thomas Telford Publishing). He regularly mediates disputes in the construction, engineering and energy sectors.

##### Recent appointments as mediator include:

- Dispute between Swiss seismic geotechnical specialist and UK branch of US civil engineering and earth science consultant over a hybrid refraction-reflection seismic survey at the site of a proposed UK nuclear power plant.
- Dispute between overseas owner of a prime residential property and its consulting engineer over fees, delay and defects in design.
- Dispute over valuation and termination of a major utilities sub-contract under a Framework contract.
- Dispute over termination and dilapidations of a commercial lease.
- A multi party dispute over defects in the design and construction of house foundations in a large housing development.
- Serial mediations arising out of allegations of professional negligence against the Architect and Structural Engineer for a high value private residence.
- Dispute over an agency agreement for the sale of building materials.

In addition, Robert has appeared as a party representative in numerous mediations.

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## Selected Reported Cases

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- *Interserve Industrial Services Ltd v Cleveland Bridge UK Ltd* [2006] All ER (D) 49 TCC
- *Palmac Contracting Ltd v Park Lane Estates Ltd* [2005] BLR 301 TCC
- *William Verry Ltd v NW London Communal Mikvah* [2004] BLR 308 and [2004] 96 Con LR 96

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## Education & Professional Career

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BA in Engineering, Gonville and Caius College, Cambridge (MA1985)	1981
Member, Institution of Civil Engineers (MICE)	1985
Member, Hong Kong Institution of Engineers (MHKIE)	1987
LLB, University of London	1988
Called to the Bar (Gray's Inn)	1989
Keating Chambers	1990
Fellow, Chartered Institute of Arbitrators	1998
CEDR Accredited Mediator	2004
Public Access Training	2007
Fellow, Institution of Civil Engineers (FICE)	2008
Recommended International Arbitrators of PIAC	2016

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## Memberships

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Technology and Construction Bar Association (TECBAR)  
Commercial Bar Association (COMBAR)  
Society of Construction Law (former Council member)

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## Seminars, Publications & Papers

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- Contributor, Keating on Construction Contracts - Tenth Edition (to be published 2016).
- Contributor, Keating on Construction Contracts - Ninth Edition (2012).
- Contributor, Keating on NEC3 (2012).
- Author of the Chapter on Mediation, Engineers Dispute Resolution Handbook (2006), and Second Edition (2011) Thomas Telford.
- Contributor, Keating on Construction Contracts - Eighth Edition (2006).
- Editorial team, Keating on Building Contracts, Seventh Edition (2001).

Robert Evans regularly lectures to audiences including the Chartered Institute of Arbitrators, the Institution of Civil Engineers and firms of solicitors.

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## Additional Information

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Robert Evans is interested in international off-shore yacht racing and is a member of the Royal Ocean Racing Club and the Royal Hong Kong Yacht Club. He has sailed at representative level for Great Britain and Hong Kong. Robert Evans was born in Jamaica and holds a dual United Kingdom Jamaican nationality. He is trustee of the Tall Ships Youth Trust.