Crispin Winser QC

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Crispin Winser QC

Call 2003 • QC 2021

"absolutely first rate" ... "an excellent cross-examiner"
(Who's Who Legal 2020)

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Crispin Winser QC specialises in construction, engineering, energy, insurance, professional liability and general commercial litigation, arbitration and dispute resolution both in the UK and internationally.

He is recommended as a leading practitioner by the Legal 500, Who's Who Legal, Chambers UK and Chambers Global, in which he has been described as *"simply superb"*, *"stunningly good"*, *"absolutely first-rate"*, *"exceptional"*, *"extremely talented"*, "*frighteningly clever"*, *"extremely hardworking"*, *"concise, clear and very helpful"*, *"incredibly thorough"*, *"commercially astute"*, *"very cool and poised"*, *"approachable, friendly, responsive and good technically"* and as being *"excellent on his feet"*, *"a tenacious advocate"* and "*an excellent cross-examiner"* who *"goes out of his way to achieve the best result for his clients"*.

Prior to taking silk in 2021, he was nominated for Construction Junior of the Year at the Chambers UK Bar Awards 2019.

Construction & Engineering

Recommended in Legal 500, Chambers UK, Chambers Global and Who's Who Legal

Crispin's experience ranges from residential building disputes to major international projects. He has been instructed in cases concerning residential extensions and conversions, houses, hotels, hospitals, apartment blocks, schools, housing estates, shopping malls, leisure centres, factories, power stations, process plants, water treatment works, roads, railways, airports, tunnels, micro-tunnels, pipelines and Oil and Gas installations (both onshore and offshore). He has dealt with many of the standard forms (e.g. JCT, ICE, NEC, FIDIC, IChemE) and a range of bespoke contracts. He is one of the authors of *Emden's Construction Law*.

Crispin is a TECBAR accredited adjudicator, acts for and advises adjudicating parties and appears in the TCC on enforcement proceedings. Reported adjudication cases include:

- WRW Construction v Datblygau Davies Developments [2020] EWHC 1965 (TCC).
- Dawnus Construction Holdings v Marsh Life [2017] EWHC 1066 (TCC); 172 Con LR 162; [2017] CILL 3977.
- South Coast Construction v Iverson Road [2017] EWHC 61 (TCC); [2017] 1 All ER (Comm) 653; [2017]

BLR 169.

- Imtech Inviron v Loppingdale Plant [2014] EWHC 4006 (TCC); [2015] CILL 3613; [2015] BLR 183.
- *Ellis Building Contractors v Goldstein* [2011] EWHC 269 (TCC); [2011] CILL 3049.
- OSC Building Services v Interior Dimensions Contracts [2009] EWHC 248 (TCC); [2009] CILL 2688.
- Allen Wilson Joinery v Privetgrange Construction [2008] EWHC 2802 (TCC); [2009] TCLR 1; 123 Con LR 1.

Selected Cases

- *Eco World – Ballymore Embassy Gardens v Dobler UK* [2021] EWHC 2207 (TCC); [2021] TCLR 7; 197 Con LR 108 – representing the employer in a case about the enforceability of LADs where the employer had taken partial possession of the works but the contract contained no mechanism for reducing the level of LADs.
- Doosan Enpure v Interserve Construction [2019] EWHC 2497 (TCC); [2019] BLR 630 – acting for a contractor in a £5m dispute with its JV partner concerning the release of interim payments in respect of an upgrade to a water treatment works under an NEC3 Option C target cost contract.
- Acting for a contractor in a $400m LCIA arbitration relating to an oil and gas project in the Middle East. Bespoke contract. London seat and substantive law of the Middle Eastern state. 2 week evidential hearing. Issues included contractual interpretation, process engineering, delay analysis and quantum.
- Acting for a Middle Eastern government in a $500m ICC arbitration relating to the construction of an international airport. FIDIC Red Book. Middle Eastern seat and substantive law of the Middle Eastern state. 13 day evidential hearing. Issues included analysis and quantification of claims for extensions of time, prolongation and disruption costs.
- Acting for a state-owned oil company in a $multi-billion LCIA arbitration arising from an oil and gas project in the Middle East. Bespoke contract. London seat and substantive law of the Middle Eastern state. 2 week evidential hearing. Issues included contractual interpretation, engineering practice in the oil and gas industry and quantity surveying practice.
- Acting for a Middle Eastern government in a $750m ICC arbitration relating to the construction of an international airport. FIDIC Yellow Book. Middle Eastern seat and substantive law of the Middle Eastern state. 65 days of evidential hearings. Multiple claims involving complex issues relating to design obligations, architecture, structural and seismic engineering, fire safety engineering, mechanical and electrical engineering, forensic delay analysis and quantum.
- Acting for a police authority in a £multi-million dispute concerning the construction of a new custody facility. Issues included design obligations, energy efficiency, mechanical and electrical engineering, loss and expense.
- Triuva Kapitalverwaltungsgesellschaft v Galliford Try v Alumet [2017] EWHC 275 (TCC) – acting for a major contractor in a £3m claim arising out of alleged defects in glazing, curtain walling and cladding works to a ten-storey office building in Birmingham.
- Gray v Elite Town Management [2016] EWCA Civ 1318 – acting in a party wall dispute arising out of adjoining basement constructions in central London. Appeared as sole counsel in two week-long trials and in the Court of Appeal.
- Acting for the developer of a £250m project in central London in TCC proceedings involving multiple applications for injunctive relief and involving complex issues of law and of geotechnical and structural engineering.
- Acting for a joint venture contractor in a £multi-million PFI dispute in the TCC and a related adjudication.

- Rohan & Ors v Daman Real Estate Capital Partners [2013] DIFC CA 005 and CA 006 – acting for purchasers in the DIFC (Court of First Instance and Court of Appeal) in a claim for AED 12m arising out of delay to a mixed-use development in Dubai.
- Acting for consulting engineers in a $12m DIAC arbitration. Dubai seat and UAE substantive law. 4 day evidential hearing. Issues related to mechanical and electrical engineering and quantum.
- *Inframatrix v Dean Construction* [2012] EWCA Civ 64; 140 Con LR 59; [2012] 28 Const LJ 438; [2012] CILL 3145 – representing a developer in the TCC and in the Court of Appeal in relation to a £2m claim for defects in the construction of a specialist camera factory.
- Acting for a state-owned oil company in a £100m LCIA arbitration concerning an oil and gas project in the Middle East. Bespoke contract. London seat and substantive law of the Middle Eastern state.
- Acting for a Danish contractor in DAB proceedings relating to a power plant in the Caribbean. London seat and English substantive law. Appeared as counsel at DAB hearing.
- Harrison & ors v Shepherd Homes [2011] EWHC 1811 (TCC); 27 Const LJ 709 – acting for the residents of a housing estate in a 5-week TCC trial successfully recovering damages for losses resulting from defective piled foundations.
- Acting for a developer in a $130m international arbitration concerning a hotel and condominium project in the Caribbean which suffered hurricane damage during the course of construction. London seat and substantive law of the Caribbean Island. 2 month evidential hearing.
- Acting for the Anglo-Japanese-Irish consortium that built the Dublin Port Tunnel in relation to claims before a DAB for delay, disruption, loss and expense totalling about 300m Euros. ICE 7th edition. Irish seat and Irish substantive law. Multiple DAB hearings. Issues included ground conditions (involving geotechnical engineering), design strength, the design approvals procedure and the analysis and quantification of delay, disruption, loss and expense.

Energy & Natural Resources

Recommended in Legal 500

Crispin's energy practice involves large-scale projects in the UK and around the world. He has experience of oil and gas, petrochemical plants and renewables, including waste-to-energy and solar power (both PV and CSP).

Selected Cases

- Acting for the owner and operator of a concentrating solar power (CSP) plant in South Africa in a $90m ICC arbitration concerning EPC contractor's claims for generation upside payments and owner's counterclaims for performance LADs and defects. Appeared at 13 day evidential hearing.
- *Shepherd Construction v Drax Power* [2021] EWHC 1478 (TCC); 196 Con LR 239 – acting for the owner in a dispute as to the effect of retention provisions in a contract based on the FIDIC Yellow Book 1999 which had been varied to add further works as part of the conversion of Drax Power Station to biomass.
- Acting for the owner of a waste-to-energy plant in relation to a £multi-million dispute in respect of delay and defects.
- Acting for a state-owned oil company and its insurers in a $60m ICC arbitration arising from a fire at an oil refinery in the Middle East. 2 week evidential hearing.
- Acting for a contractor in a $400m LCIA arbitration relating to an oil and gas project in the Middle

East. 2 week evidential hearing.
- Representing a state-owned oil company in a $multi-billion LCIA arbitration arising from an Oil and Gas project in the Middle East.
- Representing a UK contractor in a dispute with an Italian steel fabricator in relation to a contract for the supply of steel products to an iron ore mine in West Africa.
- Acting in a £multi-million TCC dispute over the fabrication of process units for installation in an FPSO.
- Advising in relation to a £100m renewable fuel power station.
- Advising a European contractor in relation to a number of water treatment works and power generation projects.
- £100m LCIA arbitration concerning an Oil and Gas project in the Middle East.
- Advising in relation to a £15m biomass plant in Scotland.
- Acting for a Danish contractor in DAB proceedings relating to a power plant in the Caribbean.
- Acting for Total UK in relation to the explosion at the Buncefield Oil Storage Depot.

Insurance & Reinsurance

Crispin's experience includes coverage disputes, non-disclosure, misrepresentation, late / non-notification, aggregation, co-insurance, fraudulent claims, brokers' duties and the recovery of brokers' commission. He is regularly instructed in relation to claims arising from defective products and fire and flood damage. Crispin is the co-author (with Sir Antony Edwards-Stuart) of the chapter on Insurance in *Emden's Construction Law*.

Selected Cases

- Advising insurers and reinsurers on coverage issues in respect of a £30m fire claim.
- Aspen & Liberty Mutual v Sangster & Annand [2019] Lloyd's Rep IR 217; 35 Const LJ 200 – acting for insurers in the Commercial Court obtaining a declaration of no liability to indemnify the insured contractor in respect of a £9m claim following a fire at a hotel in Scotland said to have been caused by hot works (and successfully resisting an application to the Court of Appeal for permission to appeal).
- Acting for insurers in the Mercantile Court in relation to the disputed avoidance of a property policy for misrepresentation and breach of warranty and the alleged negligence of the brokers.
- Acting for a policyholder in a coverage dispute under a Public and Products Liability policy.
- Acting for insurers in the Mercantile Court in relation to the disputed avoidance of a policy for arson.
- Liberty Syndicate Management v Campagna [2011] EWHC 209 (TCC); 27 Const LJ 275 – acting in a multi-million Euro dispute arising from a latent defects insurance scheme for the construction of new houses across Ireland.
- Acting for a local authority policyholder in relation to its insurer's refusal to indemnify a £1m public liability claim.
- Advising a joint venture contractor in relation to a 20m Euro claim under a project PI policy.
- Acting for the policyholder in a $130m international arbitration concerning a claim under a project all risks policy following hurricane damage to a hotel and condominium development in the Caribbean.
- Advising insurers in relation to their potential exposure under historic PL policies to indemnify claims made by victims of alleged child abuse.

- Advising insurers in relation to apparently fraudulent claims under a buildings policy.

Professional Liability

Crispin has particular experience of claims against construction, financial services, insurance and legal professionals.

Selected Cases

- Successfully defending adjudications brought against quantity surveyors (for allegedly negligent preparation of bills of quantities) and architects (for allegedly negligent performance of the role of designer and lead consultant).
- Williams Tarr Construction v Roylance [2018] EWHC 2339 (TCC); [2018] CILL 4211 – successfully defending a civil engineer in a 5 day TCC trial concerning alleged negligence in the design of a retaining wall.
- Barnaby v Raleys Solicitors [2014] EWCA Civ 686; [2014] All ER (D) 42 (Jun) – acting (both at first instance and in the Court of Appeal) in a successful claim against solicitors for under-settlement of the underlying claim.
- Successfully defending consulting engineers facing a £7m claim for alleged negligence in the design of the mechanical and electrical fit-out of flagship retail units.
- Acting for corporate Approved Inspectors alleged to have owed a duty of care to the owner of the property they inspected for building control purposes.
- Acting for insurers in the Mercantile Court in relation to the disputed avoidance of a property policy for misrepresentation and breach of warranty and the alleged negligence of the brokers.
- Acting for solicitors alleged to have been negligent in the implementation of a tax scheme.
- *Sweett (UK) (formerly Cyril Sweett) v Michael Wight Homes* [2012] EW Misc 3 (CC) – representing quantity surveyors alleged to have been negligent in relation to the non-provision of a performance bond.
- Acting for architects facing a £0.5m claim for allegedly negligent design of a residential care home.
- Liberty Syndicate Management v Campagna [2011] EWHC 209 (TCC); 27 Const LJ 275 – acting for technical auditors facing a multi-million Euro claim from the underwriters of a latent defects insurance scheme for failing to detect defects during the construction of houses across Ireland.
- Acting for homeowners in a claim against a surveyor in relation to a negligent building survey.
- Claim against architects for negligent design leading to failure of acoustic tests under the Building Regulations.

International Arbitration

Recommended in Legal 500 and Chambers UK

Crispin is a Fellow of the Chartered Institute of Arbitrators. He has an extensive international arbitration practice, acting in connection with construction, engineering, infrastructure and energy projects and related insurance disputes. He has acted in relation to claims concerning projects in Europe, the Caribbean, Africa and the Middle East (including Bahrain, Kuwait, Oman, Qatar and the UAE). He accepts

appointments as arbitrator.

Before he took silk, he was recognised by the Legal 500 2019 as *"One of the top junior barristers in the construction/arbitration field".*

Selected Cases

- $90m ICC arbitration concerning a concentrating solar power (CSP) plant in South Africa. London seat and English substantive law. 13 day evidential hearing.
- $20m DIFC-LCIA arbitration relating to the expansion of a shopping mall. DIFC seat and UAE substantive law. 3 day evidential hearing.
- $100m ad hoc international arbitration concerning the construction of an 8-lane expressway. Middle Eastern seat and substantive law of the Middle Eastern state. 13 day evidential hearing.
- $60m ICC arbitration arising from a fire at an oil refinery in the Middle East. Middle Eastern seat and substantive law of the Middle Eastern state. 2 week evidential hearing.
- $400m LCIA arbitration relating to an oil and gas project in the Middle East. London seat and substantive law of the Middle Eastern state. 2 week evidential hearing.
- $500m ICC arbitration relating to the construction of an international airport. Middle Eastern seat and substantive law of the Middle Eastern state. 13 day evidential hearing.
- $multi-billion LCIA arbitration arising from an oil and gas project in the Middle East. London seat and substantive law of the Middle Eastern state. 2 week evidential hearing.
- $750m ICC arbitration relating to the construction of an international airport. Middle Eastern seat and substantive law of the Middle Eastern state. 65 days of evidential hearings.
- $85m ICC arbitration concerning civil engineering works in the Middle East. Middle Eastern seat and substantive law of the Middle Eastern state. 5 day evidential hearing.
- $40m LCIA arbitration arising out of a tunnelling project in the Middle East. London seat and English substantive law.
- $12m DIAC arbitration concerning a construction project in Dubai. Dubai seat and UAE substantive law. 4 day evidential hearing.
- £100m LCIA arbitration concerning an oil and gas project in the Middle East. London seat and substantive law of the Middle Eastern state.
- $130m international arbitration concerning a claim under a project all risks policy following hurricane damage to a hotel and condominium development in the Caribbean during the course of construction. London seat and substantive law of the Caribbean Island. 2 month evidential hearing.

Commercial

Crispin's practice covers sale of goods, supply of goods and services, agency, franchise, joint ventures, issues of jurisdiction, loan agreements, IT & telecommunications, property damage and product liability.

Selected Cases

- Acting for Maltese manufacturers in a £22m sale of goods dispute with UK buyers.
- Representing UK buyers in a claim against Italian sellers arising out of the disputed termination of a 1.2m Euro international sale of goods contract.

- Acting for a multinational chemical company in relation to a joint venture in Central America.
- Acting for a FTSE 250 company in a £1.5m claim for sums due under facilities management contracts.
- Rohan & Ors v Daman Real Estate Capital Partners [2013] DIFC CA 005 & CA 006 – representing the buyers in the DIFC (Court of First Instance and Court of Appeal) in a claim for AED 12m for breach of sale and purchase agreements.
- Advising a leading furniture retailer in relation to its liabilities under the Sale of Goods Act.
- Advising an East African bank in relation to a dispute concerning a software licence agreement.
- Acting for an MVNO in a TCC dispute with a major national mobile network operator concerning the interaction between the parties' mobile telecommunications systems – involved contested applications for interim injunctions and security for costs.
- Representing a manufacturer of postal franking machines at the 4 day liability trial and subsequent mediation of a claim for breach of a distribution agreement.
- Advising a petrochemicals multinational in relation to the termination of a contract for the supply of chemical by-products.
- Representing a leading London estate agent in a 4 day trial involving alleged breaches of a letting agency agreement.
- Representing a publishing company in a 4 day trial successfully recovering sums paid for an ineffective financial software system.

Rankings

- Legal 500 2022 London Bar: recommended 2021 silk for Construction, Energy and International Arbitration
- Legal 500 2022 UAE: recommended 2021 silk for Construction
- Chambers UK 2022: recommended new silk for Construction and International Arbitration: Construction/Engineering
- Chambers Global 2022: recommended new silk for Construction
- Who's Who Legal 2022: national leader and future leader for Construction

Qualifications

- Registered practitioner in the Dubai International Financial Centre (DIFC)
- Major Scholar, Inner Temple
- MSc Construction Law & Dispute Resolution, King's College London
- Dip Law, City University
- BA, Bristol University

Memberships

- British Japanese Law Association
- Chartered Institute of Arbitrators (FCIArb)
- Commercial Bar Association
- LCIA European Users Council

- London Common Law and Commercial Bar Association
- Society of Construction Law (UK & Gulf)
- Technology & Construction Bar Association

Recommendations

"He is a good sounding board for strategies and excellent on his feet where he is very calm and assured." ... "A very clinical and really compelling advocate." ... "His strengths lie in quickly grasping the matter of the dispute and delivering fast, reliable advice."
Chambers & Partners, 2022

"Crispin is frighteningly bright. He has a forensic mind which allows him to see through the chaff and get to the nub of any issue quickly. His advocacy style is calm, measured but insistent. Very effective." ... "Simply superb. Very responsive, helpful and suitably aggressive when he needs to be. A dedicated expert in his field. Richly deserved elevation to silk." ... "An excellent and polished advocate who works exceptionally hard to master the papers and be fully on top of the brief."
Legal 500, 2022

"Reasonable, on top of the detail, commercial and an amazing advocate – particularly at cross-examination."
Legal 500 EMEA, 2021

"a highly recommended dispute resolution practitioner who excels at assisting construction and energy sector clients in complex proceedings"
Who's Who Legal 2021

"One of the standout performers among senior juniors at the Construction Bar. He is thorough, well prepared, and an effective advocate." ... "He's considered, calm under pressure and able to get up to speed quickly."
Chambers & Partners, 2021

"Hard-working, team player who really understands how to present in international arbitration – should be a QC already." ... "Hard-working, great team player. Excellent cross-examination skills. Best junior barrister I have come across." ... "An excellent senior-junior – very clever and responsive."
Legal 500, 2021

"absolutely first rate ... an excellent cross-examiner in an arbitration context”
Who's Who Legal, 2020

“An excellent senior-junior – very clever and responsive.”
Legal 500 2020, EMEA

"highly responsive ... creative and quick on his feet, with real substance on the intellectual side of a dispute" ... "He is stunningly good. His work is detailed and his manner of cross-examination is incisive but pleasant." ... "He prepares thoroughly and is very perceptive and good on his feet"
Chambers & Partners, 2020

"Very proactive and impressive." ... "Extremely hardworking, very effective in cross-examination and always responsive."
Legal 500, 2020

"Excellent and technically very able. He is very personable and not afraid to roll up his sleeves and work as part of a wider legal team."
Chambers & Partners, 2019