



Michael Curtis KC



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Michael Curtis KC

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"He is extremely clear, calm and persuasive when on his feet in court."
(Chambers UK 2016)



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Michael Curtis KC specialises in commercial, construction & engineering, insurance, property damage, professional negligence and product liability. He is General Editor and one of the co-authors of Emden's Construction Law.

Michael is recommended in the directories as "A very able advocate, who is brilliant in court" and "Extremely capable and user-friendly, with a fantastic attention to detail."

He has an MA in law from Brasenose College, Oxford (where he won an Open Scholarship) and an MSc in construction and arbitration law from King's College, London (where he won the Ranner Arbitration Prize).

Michael welcomes **public access** clients.

International Arbitration

Selected Cases

- One of a team acting for the manufacturers in a KL arbitration concerning a collapse of a crane on an oil platform.
- Member of LCIA arbitral tribunal in a dispute concerning a large industrial and residential development in SE Asia.
- Acting for the contractor in an arbitration concerning a harbour bridge.
- Acting for the developer in a 3-month \$150m international arbitration concerning a hotel and condominium development in the Caribbean, which suffered hurricane damage during the course of construction. The arbitration settled in the second month of the hearing.
- Acting for the Project Manager in a 2 month £30m multi-party arbitration concerning a commercial development in London. The arbitration settled in the first month of the hearing. City & General (Holborn) Limited v AYH PLC [2006] BLR 55 Jackson J – Acting for the defendants in an application concerning the court's powers under the Arbitration Act 1996 s 18 to order two arbitrations to be heard together

ADR

Selected Cases

- Advising in a dispute concerning the payment provisions of a framework agreement for a major infrastructure project.
- Acting in a number of related disputes concerning term contracts for highway maintenance.
- Acting in a dispute concerning a term contract for repairs and maintenance for a public body.
- Advising a construction industry trade body in respect of a dispute with the British Standards Institution.
- A £2.5m claim concerning defective gas booster pumps.
- Advising in a claim concerning an undersea natural gas pipe-line.
- Advising on the respective liabilities of housing authorities and electricity suppliers for the repair and renewal of electrical risers in residential tower blocks.
- Advising on the proper forum (England or Austria) for a claim relating to the supply of defective printing equipment.
- Acting for the manufacturer in a claim concerning the supply of defective gas valves.
- Acting for the Healthcare Commission, which sought permission to be joined as a party in the Court of Appeal in Trent Strategic Healthcare Authority v Jain. The case was concerned with the extent (if any) of the duty of care owed by regulatory bodies to the persons whom they regulate. Acting for the regulator to strike out a claim brought against it in negligence and under the HRA.
- Trac Time Controls v Rowan Plastic Mouldings [2005] All ER (D) 06 (Jan) – Successfully appearing for the 4th party in a 4 week £4m sale of goods case concerning the supply of defective polycarbonate.

Construction & Engineering

Michael has an MSc in Construction and Arbitration from King's College, London, where he won the Ranner Arbitration Prize. He is General Editor and a co-author of Emden's Construction Law. He has extensive experience of construction and engineering disputes, acting for employers, contractors and construction professionals in disputes of all kinds both in litigation, arbitration and adjudication. Some of the claims concern property damage caused by or arising in the course of construction and engineering operations.

Selected Cases

- Harrow LBC v Engie Regeneration QBD (TCC) Cockerill J, 25 May 2018: dispute about the interpretation of the insurance terms in a contract relating to the design and build of a number of school expansions.
- Dawnus Construction Ltd v Marsh Life Ltd [2017] EWHC 1066 (TCC), 172 Con LR 162: adjudication enforcement / natural justice / affirmation.
- Amey Wye Valley Ltd v Herefordshire DC [2016] EWHC 2283 (TCC), [2016] BLR 698: adjudication enforcement / jurisdiction.
- Beumer Group UK Ltd v Vinci Construction UK Ltd [2016] EWHC 2283 (TCC), [2017] BLR 53: adjudication enforcement / natural justice.
- Acting for the lead consultant in a dispute arising out of a refurbishment to a listed development.

- Acting for a social housing landlord in an adjudication arising out of the redevelopment of a social housing estate.
- Acting for a social landlord in a claim against the professional team arising out of a sinkhole that appeared after construction of a residential estate.
- Acting for project managers in a dispute arising out of delay and disruption to a landmark development following a major fire.
- Advising in a dispute concerning the payment provisions of a framework agreement for a major infrastructure project.
- Acting in a number of related disputes concerning term contracts for highway maintenance.
- Acting in a dispute concerning a term contract for repairs and maintenance for a public body.
- Acting for the developers in TCC proceedings arising out of a £0.25 billion property development in Central London.
- Acting for the defendant fit out contractors in a claim arising out of a burglary at a Central London jewelers.
- Acting for sub contractors in a multi million pound TCC claim arising out of a fire at a mansion on a private island.
- Acting for contractors in a multi million pound claim arising out of the construction of a distribution centre.
- Acting for a consulting engineer in a TCC claim alleging professional negligence in respect of the engineer's expert evidence in an earlier TCC claim.
- Acting for contractors in a multi million pound TCC claim arising out of a fire at a warehouse in Wolverhampton.
- Acting for the defendants in a multi million pound TCC claim brought by the Highways Agency arising out of damage to the M5 motorway in a road traffic accident.
- Acting for hotel owners and insurers in a multi million pound Commercial Court claim arising out of a fire during the course of carrying out repairs to a hotel and holiday resort on the South Coast.
- Acting for a sub contractor in respect of a multi million claim arising from a fire during the course of the construction of a landmark London development.
- Acting for the employer in respect of a multi million claim arising out of defective piling at a major regional distribution centre.
- Advising the contractor in respect of a £25-50m fire claim at one of the largest pharmaceutical distribution centres in Europe.
- Acting for the employer in adjudication enforcement proceedings relating to a major central London residential refurbishment.
- Acting for the contractor in a £multi million two-week final account / delay & disruption arbitration concerning a harbour bridge.
- Acting for the developer in a 3-month \$150m international arbitration concerning a hotel and condominium development in the Caribbean, which suffered hurricane damage during the course of construction. The arbitration settled in the second month of the hearing.
- Acting for the developers in a claim against their structural engineers for an indemnity in respect of compensation the developers had to pay to settle actions brought against them by purchasers of property on a residential estate in Essex as a result of failed foundations. The claim was the subject of an unsuccessful early neutral evaluation in the TCC but eventually settled shortly before trial.
- Acting for the Project Manager in a 2 month £30m multi-party arbitration concerning a commercial development in London. The arbitration settled in the first month of the hearing.
- Acting for the claimant solicitors in a £2m claim for flood damage at their city offices.
- Acting for the main contractors in a dispute with their subcontractors arising out of the failure of two storage tanks whilst being tested before handover. The case settled shortly before trial.

- Advising on jurisdictional issues in connection with a claim arising out of a fire at a paper mill.
- *Murray Construction Ltd v Marino Family Trust Ltd* [2012] EWHC 628 (TCC) – Acting for the employer in a final account claim arising out of a commercial development.
- The Buncefield Litigation – Instructed on behalf of Total in a series of quantum trials in the TCC and the Commercial Court where the sums in dispute range from £5m to £50m.
- *Three Valleys Water PLC v London Fire & Emergency Planning Authority* [2009] EWHC 3109 (Mr Justice Edwards Stuart) – Acting for London Fire in a claim concerning the respective responsibilities of water companies and fire authorities for the repair and maintenance of fire hydrants. Among other issues, the court considered the interpretation and effect of the British Standards relating to fire hydrants and whether they were determinative of the parties' respective obligations under the statutory scheme.
- *Coal Pension Properties v Nu Way Ltd* (2009) 124 Con LR 76 – Acting for the claimants in a £2m claim arising out of an explosion at their Oxford Street store caused by a defective gas booster.
- *Orange Personal Communications Services Ltd v Hoare Lea (A Firm)* 117 Con LR 76, Akenhead J – Acting for Orange in a claim for flood damage to Orange's Bristol data centre.
- *Kajima UK Engineering Ltd v Volumetric Ltd & Others* – Acting for subcontractors and suppliers in a claim arising out of the construction and subsequent demolition of a block of flats in Leeds.
- *City & General (Holborn) Limited v AYH PLC* [2006] BLR 55 Jackson J – Acting for the defendants in an application concerning the court's powers under the Arbitration Act 1996 s 18 to order two arbitrations to be heard together.

Insurance & Reinsurance

Acting both for insurers and insured in claims arising under a variety of different types of policy, including disputes about policy construction and avoidance.

Selected Cases

- Over the last 18 months Michael has been instructed in numerous cases in the UK and internationally for insurers and insured where the amounts in dispute have ranged from £/\$ millions to £/\$ hundreds of millions under a variety of policies including project, CAR, BI, PI, property and product liability.
- Advising on policy coverage in a multi-million-burglary claim.
- Acting for insurers in respect of a multi million claim under a CAR policy arising out of the refurbishment of a landmark public building.
- Advising on policy coverage in business interruption claim arising out of a fire at a power station in the Philippines.
- Acting for insurers in respect of a multi million claim under a CAR policy arising out of piling works.
- Acting for hotel owners and property insurers in a claim in the Commercial Court by liability insurers seeking to avoid a policy covering a contractor's liability for a fire which destroyed a hotel and holiday resort on the South Coast.
- Acting for insurers in respect of a claim under a business interruption policy arising out of damage to a major recycling plant.
- Advising a Housing Association on which of its various policies provided cover in respect of a claim against it by its neighbour for tree root damage.
- Advising insurers in respect of a property damage / liability claim arising out of a commercial and

residential development.

- Acting for the insured in respect of a claim arising from a fire during the course of the construction of a landmark London development.
- Advising insured in respect of the insurance of warranties contained in a share transfer agreement.
- Acting for the insured in respect of multi million claim under a financial services liability policy.
- Acting for the insured in respect of insurers' purported avoidance of cover in respect of a policy covering a £25-50m fire claim at one of the largest pharmaceutical distribution centres in Europe.
- Advising insurers in connection with claims made under the Riot Damages Act to recover multi million pound outlays for repairs and the like arising out of the 2011 summer riots.
- Advising in a dispute concerning liability for costs arising out of joint insurance.
- Leading a team of 3 juniors in a 3-month \$150m international arbitration concerning a claim under a project policy for hurricane damage caused to a hotel and condominium development in the Caribbean. The arbitration settled in the second month of the hearing. The claim involved complex issues of assessment of damage, quantification of loss and policy construction. There were 51 factual witnesses and 18 experts.
- Advising the insured in a fire claim where insurers sought to avoid the policy. Insurers agreed to provide an indemnity shortly after the completion of the pre action protocol.
- Advising insurers on the combined effect of the terms of the construction contracts and the insurance policies in respect of an office development.
- Acting for insurers in the Commercial Court in relation to a \$50m claim arising out of the delay to the construction of a power station in Pakistan. The claim settled shortly before the trial of a series of preliminary issues concerning the interpretation of the policy.
- Advising in respect of a claim by a solicitor against his firm for failure to arrange insurance on his behalf. Issues included whether the solicitor would have been eligible for insurance in any event.
- *Coles v Hetherton* [2013] Lloyd's Rep IR 9 (Cooke J); [2014] Lloyd's Rep IR 367 (Court of Appeal) – Acting for the Allianz and Provident policy holders in a group of test cases in the Commercial Court concerning the proper measure of loss in cases involving damage to chattels.

Product Liability

Michael has many years experience of product liability claims including but not limited to products used in the construction, engineering and energy sectors. Recent £ multi-million cases have included electrical equipment alleged to have caused a 2 week shutdown of an oil refinery; electrical equipment alleged to have caused a 3 week delay to the completion of a major development; a flue alleged to have burned down a luxury mansion on a private island; a flue alleged to have burned down a factory in the Midlands; and drinks vending machines alleged to have caused fires in various retail premises. Michael has also acted in a large number of cases concerning product liability insurance policies including disputes arising in the food manufacturing industry.

Selected Cases

- Acting for insurers in the litigation concerning defective cavity wall insulation.
- Acting for a major drinks manufacturer in respect of claims arising out of fires in drinks vending machines.
- Advising in respect of a fire caused by defective electrical equipment which destroyed a large warehouse.

- Acting for the developers in TCC proceedings arising out of a £0.25 billion property development in Central London.
- Acting for the defendant fit out contractors in a claim arising out of a burglary at Central London jewelers.
- Advising in respect of a multi million pound claim in respect of allegedly defective bespoke furniture fitted in a landmark public building.
- Acting for the suppliers in a multi million pound TCC claim in respect of a fire in a large dwelling house alleged to be caused by a defective flue.
- Acting for the suppliers in a multi million pound TCC claim in respect of a fire at a warehouse alleged to be caused by a defective flue.
- Siemens v Supershield (2010) 129 Con LR 52 – Acting for Slaughter & May in the settled litigation to which Siemens and Supershield were Part 20 Defendants. The case concerned a defective float and inlet valve in a water tank at Slaughter & May's London offices at One Bunhill Row.
- Three Valleys Water PLC v London Fire & Emergency Planning Authority [2009] EWHC 3109
 - Defective fire hydrants throughout London and the South East.
- Coal Pension Properties v Nu Way [2009] 124 Con LR 50 – An explosion caused by a defective gas booster pump installed in the plant room at Littlewoods Stores in Oxford Street.
- Orange Personal Communications Services Ltd v Hoare Lea (A Firm) (2008) 117 Con LR 76
 - Defective water supply system at Orange's data centre in Bristol.
- Trac Time Controls v Rowan Plastic Mouldings [2005] All ER (D) 06 (Jan) – Defective polycarbonate floodlights which were supplied around the world.

Professional Liability

Wide experience of professional negligence claims, but in particular claims involving professionals in the construction and engineering industries.

Selected Cases

- Acting for the lead consultant in a dispute arising out of a refurbishment to a listed development.
- Acting for a social housing landlord in an adjudication arising out of the redevelopment of a social housing estate.
- Acting for a social landlord in a claim against the professional team arising out of a sinkhole that appeared after construction of a residential estate.
- Acting for project managers in a dispute arising out of delay and disruption to a landmark development following a major fire.
- Acting for sub contractors in a multi million pound TCC claim arising out of a fire at a mansion on a private island allegedly caused by a defectively designed flue.
- Acting for a consulting engineer in a TCC claim alleging professional negligence in respect of the engineer's expert evidence in an earlier TCC claim.
- Advising in connection with a claim arising out of the design of a waterproofing system at a commercial and residential development.
- Acting for the claimants in a £3m claim against insurers and brokers in relation to financial services insurance.
- Acting for the claimants in a multi million claim arising out of the design of piling for a car park at a regional distribution centre.

- Acting for the claimants in a £7m claim against professional risk assessors arising out of a fire at a chemical factory.
- Acting for the claimants in a multi million claim against solicitors arising out of the unsuccessful takeover of Premiership football club.
- Acting for the Project Manager in a 2 month £30m multi-party arbitration concerning a commercial development in London. The arbitration settled in the first month of the hearing.
- Acting for the developers in a claim against their structural engineers for an indemnity in respect of compensation the developers had to pay to settle actions brought against them by purchasers of property on a residential estate in Essex as a result of failed foundations. The claim was the subject of an unsuccessful early neutral evaluation in the TCC but eventually settled shortly before trial.
- Advising a firm of architects in a dispute with an NHS Trust arising out of the design of a new hospital.
- Advising a set of chambers in relation to a claim against its former solicitors relating to their failure to renew a lease.
- Acting for the owner of a stables in a claim against her former solicitors for the negligent conduct of an earlier claim by her against the MOD for losses caused by low flying aircraft.

Property Damage

Selected Cases

- Acting for drinks manufacturer in respect of fires alleged to be caused by drinks vending machines.
- Acting for project managers in a claim for damages arising out of the delay and disruption to a landmark development caused by a fire.
- Acting for a social housing landlord in respect of damage caused by a sinkhole.
- Acting for the developers in a claim arising out of a £0.25 billion property development in Central London.
- Acting for the defendant fit out contractors in a claim arising out of a burglary at Central London jewelers.
- Acting for sub contractors in a multi million pound claim arising out of a fire at a mansion on a private island.
- Acting for contractors in a multi million pound claim arising out of a fire at a warehouse in Wolverhampton.
- Acting for the defendants in a multi million pound claim brought by the Highways Agency arising out of damage to the M5 motorway in a road traffic accident.
- Acting for hotel owners and insurers in a multi million pound claim arising out of a fire at a hotel and holiday resort on the South Coast.
- Acting for the claimants in respect of a multi million claim arising out of a fire at a major chemical factory.
- Acting for a sub contractor in respect of a multi million claim arising from a fire during the course of the construction of a landmark London development.
- Acting for the claimants in respect of a claim arising out of a fire at an adjacent fuel distribution depot.
- Advising the contractor in respect of a £25-50m fire claim at one of the largest pharmaceutical distribution centres in Europe.
- Acting for the developer in a 3-month \$150m international arbitration concerning a hotel and

condominium development in the Caribbean, which suffered hurricane damage during the course of construction. The arbitration settled in the second month of the hearing.

- Acting for the claimant solicitors in a £2m claim for flood damage at their city offices.
- *Coles v Hetherton* [2013] Lloyd's Rep IR 9 (Cooke J); [2014] Lloyd's Rep IR 367 (Court of Appeal) – Acting for the Allianz and Provident policy holders in a group of test cases in the Commercial Court concerning the proper measure of loss in cases involving damage to chattels.
- The Buncefield Litigation – Instructed on behalf of Total in a series of quantum trials in the TCC and the Commercial Court where the sums in dispute range from £5m to £50m.
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- *Coal Pension Properties v Nu Way Ltd* (2009) 124 Con LR 76 – Acting for the claimants in a £2m claim arising out of an explosion at their Oxford Street store caused by a defective gas booster.
- *Orange Personal Communications Services Ltd v Hoare Lea (A Firm)* (2008) 117 Con LR 76, Akenhead J – Acting for Orange in a claim for flood damage to Orange's Bristol data centre.

Regulatory

Michael has over 30 years experience of acting for providers, regulators and other public authorities in cases concerning (1) the regulation of hospitals, schools, care homes and similar establishments and (2) related issues including safeguarding and commissioning.

Recent cases include challenges to CQC's policy on digital GP services and CQC's policy on the provision of care in congregate settings.

Michael has many years experience in the past of acting for regulators. However, Michael presently acts solely for providers.

Qualifications

- Ranner Arbitration Prize
- MSc (Construction & Arbitration Law), Kings College London
- MA in Law (Oxon)

Memberships

- ACI Arb
- TECBAR
- COMBAR
- LCLBA
- PNBA

- LCIA
- SCL

Recommendations

'He has a tenacious work ethic and provides clear advice. He is very personable and has an ability to tailor his advice to his audience, whether they be lawyers or laypeople. He has a forensic eye for detail.'

Legal 500, 2024

"He has a tenacious work ethic and provides clear advice. He is very personable and has an ability to tailor his advice to his audience, whether they be lawyers or laypeople. He has a forensic eye for detail."

Legal 500, 2024

"Michael is highly intelligent, and has an encyclopedic legal knowledge."

Legal 500, 2022

"Very good with clients, and his explanations are clear and in plain language. He pays great attention to detail and knows his strategy, but is flexible in approach when necessary."

Legal 500, 2021

"He is an extremely capable technical lawyer, exceptional judgement and strong advocate."

Legal 500, 2021

"He is undoubtedly a go-to barrister for complex work and is fantastic with clients."

Legal 500, 2021

"His written advice is a tour de force of the relevant law, covers all the angles and comes up with a practical solution."

Legal 500, 2020

"Great at getting straight to the detail."

Legal 500, 2020

"A highly regarded silk."

Legal 500, 2020