



Nicholas Higgs

Year of call: 2018

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Nicholas is a dual-qualified barrister and chartered civil engineer having come to the Bar from a previous career with Ove Arup & Partners. He has a busy practice in construction and engineering disputes and international commercial arbitration. Nicholas acts as both junior and sole counsel in disputes in the Technology and Construction Court (TCC), in domestic adjudication and in international arbitrations. He also undertakes instructions as tribunal secretary and in providing advice on construction contracts, in particular the International Federation of Consulting Engineers (FIDIC), and alternative dispute resolution such as mediation.

Prior to coming to the Bar, Nicholas had a varied career at Arup ranging from bridge engineering to secretary to the firm's management board, reporting to the group chief operating officer. He has considerable experience in procurement and project and commercial management having been UK infrastructure commercial manager and having led the procurement of several contracts for the Queensferry Crossing in Scotland and of the Garden Bridge in London. Nicolas brings his client-side insight, commercial pragmatism and sector expertise to his work at the Bar.

Areas of expertise

Construction

Commercial

International Arbitration

Commercial

While at Arup, in his role as commercial manager for the UK Infrastructure Practice, Nicholas was involved in the resolution of a number of disputes and the negotiation of commercial agreements including:

- A Court of Appeal case concerning design liability for asbestos and the effectiveness of exclusion clauses.
- A delay and disruption claim on a tunnelling contract in Scandinavia.
- Pre-arbitration negotiations on a multi-million pound fee claim with counter-claims for delay and disruption.
- Leading the negotiation of consultancy contracts on behalf of a three-way joint venture with a joint-venture contractor for complex concept and engineering design of a high-speed railway.

- Management of procurement of the design-build contractor for the Garden Bridge, including negotiations for termination following cancellation of the project.
- Leading the commercial management and close-out of £40m and £12m contracts on the Queensferry Crossing project.

Memberships

- Fellow, Chartered Institute of Arbitrators (FCIArb)
- Member, Institution of Civil Engineers (MICE)
- Chartered Engineer (CEng)
- Member, Society of Construction Law
- Member, the Honourable Society of the Middle Temple

Qualifications

Education

- BPTC, University of Law (Very Competent, academic prizes for top marks in Opinion Writing and International Commercial Practice) 2018
- GDL, University of Law (Distinction)
- MSc, Construction Law and Dispute Resolution, King's College London (Merit) 2013
- MEng, Civil Engineering Design and Management, Cardiff University (First Class) 2003

Scholarships and prizes

- Baron Dr Ver Heyden de Lancey Prize for highest marks in BPTC, Middle Temple
- 25th Willem C Vis Moot, 2018: final sixteen
- Middle Temple Rosamund Smith Moot, 2017: winner
- University of Law GDL Moot, 2016: finalist
- Atkin Scholar, Middle Temple
- Blackstone Entrance Exhibitioner, Middle Temple

Additional information

Publications

- Contributing Author (former editor), Construction Law Quarterly Review, Management, Procurement and Law, Proceedings of the Institution of Civil Engineers.
- Chapters on Time for Completion and Adjudication (jointly) in Wilmot-Smith on Construction Contracts, Fourth Edition 2021, OUP
- Contributions to Shackleton on the Law and Practice of Meetings, Fifteenth Edition 2020, Sweet & Maxwell
- Chapter on Dispute Boards in The GAR Guide to Construction Arbitration – Third Edition 2019.

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