



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

Construction

Nicholas is instructed by employers, contractors and consultants in the construction and engineering sectors on disputes ranging from payment claims to multi-million-pound defects cases, including adjudications. His practice incorporates High Court work, including cases in the TCC, as both sole counsel and as junior counsel, as well as appearances in the lower courts. He is also developing a wider commercial practice and has a particular interest in international arbitration. His experience includes:

- A number of very large cases related to construction defects in private finance initiative (PFI) hospitals, in both adjudication and litigation, including The Lawyers' top 20 cases for 2022.
- A multi-million pound final account adjudication.
- Retained by CERN to provide contract drafting and dispute resolution advice in respect of the building and infrastructure works at the CERN site in Switzerland and France, in particular in relation

to FIDIC-based contracts.

- Instructed as sole counsel in a five-day TCC trial regarding defective piling.
- Successful possession proceedings and claim for rental arrears.
- Advice regarding perjury in international commercial arbitration.
- Litigation concerning unlawful hacking of mobile telephones.
- An arbitration regarding a waste treatment plant in East Asia.

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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