

Andrew Noble LLB [Hons], FRICS, FCI Arb

Introduction

Andrew Noble is an experienced specialist barrister and chartered surveyor, and is a member of the Chancery Bar Association, the Technology and Construction Court Bar Association (where he is a member of the Management Committee), and the Professional Negligence Bar Association. Andrew is also licensed by his professional body (and is a Member of the Public Access Bar Association), allowing business clients and the public to instruct him directly.

Andrew is a member of leading Commercial / Chancery Chambers with offices in London, Leeds and Newcastle upon Tyne: Enterprise Chambers. He provides specialist business clients with experienced specialist legal advice and representation concerning all aspects of construction, engineering, business and property law, in the UK and internationally, whether involving litigation, adjudication, arbitration or ADR / mediation. Andrew regularly appears before Judges and arbitrators in his specialist areas of practice. He is a branch chairman of the Chartered Institute of Arbitrators. He is again (2007) noted as a leading junior in Chambers & Partners / Legal 500 directories in the areas of property, professional liability and construction and engineering. He is also noted as being a "direct and approachable advocate".

Please see the **Recent Work** section for examples of recent work. Two significant recent appointments include:

- (1) Andrew acting for scores of new dwelling owners whose properties are sinking.
- (2) Appointed by the Chairman of the Bar Council to determine a substantial dispute involving the calculation of potential Additional Payments from a developer to a former owner of significant hectares of development land - "overage".
- (3) Acting as counsel in 8 day trial involving construction industry delay and disruption and direct loss and / or expense claims involving a main contractor and bathroom pod supplier (2007-TCC)
- (4) Acting as counsel in 5 day trial commercial dispute between directors / shareholders involving quasi-partnerships and s. 459 Companies Act 1985 (as it then was!)(2007- Ch D)
- (5) Acting as counsel in 9 day construction defects litigation (2007 -TCC)
- (6) Enforcement of Adjudicators' decisions [TCC -2007&8].

Areas of Emphasis

Real Property: boundaries, easements and profits, restrictive covenants, nuisance, trespass, conveyancing disputes, and commercial landlord and tenant (including possession claims, dilapidations and 1954 Act renewals).

Construction: HGCRA 1996 adjudications: preparing submissions for Claimants and Defendants both in adjudications, as well as in enforcement proceedings; breach of contract claims: (i) the quality of buildings and dwellings (including the wider conveyancing and consumer law dimensions) and their products; (ii) time - for delay and / or disruption to progress, and (iii) money - for direct loss and / or expense, and final account / variations. Insurance claims including claims against the NHBC; Insolvency claims involving works unpaid for and plant and material stored on or off site, preferences and priorities. Advising in relation to of most standard forms of construction contracts.

Commercial / Company: commercial contracts including vitiating factors (e.g. duress, misrepresentation and deceit), insurance contracts, shareholder disputes, partnership disputes, share sale agreements, franchising and factoring contracts, contracts for the supply of goods and services. Unfair Terms in Consumer Contracts Regulations 1999 and UTCA.

Professional liability (including fee disputes): especially (all types of) surveyors, construction professionals (including architects, engineers, claims consultants and contract administrators), office holders, insurance brokers and lawyers.

Insolvency: corporate and individual insolvency – all aspects of the winding up and bankruptcy process and security issues including bonds, guarantees and retention of title. Also the interaction of insolvency procedures and standard forms of construction contracts and industry-wide statutory adjudication.

Background

Name Andrew Noble LLB [Hons], FRICS, FCI Arb

Call 1992 (Lincoln's Inn, London)

Email andrewnoble@NobleADR.com

Andrew Noble initially trained and practised as a chartered quantity surveyor, becoming a specialist in the commercial and contractual management of substantial construction and engineering projects, both internationally and at home, for contracting organisations and project managers. He progressed speedily up the ranks as a chartered surveyor and his last engagement as a chartered quantity surveyor,

then aged 28, was managing the finances, contractual arrangements and commercial disputes on a US \$1Billion new university in the desert in Saudi Arabia.

After ten years in practice in the UK and internationally, he transferred to the Bar where he practices exclusively in commercial and chancery work specialising in the **litigation, arbitration, adjudication, and mediation** in the above areas.

Andrew has been involved in property and construction all his professional life. He enjoys a nationwide practice and he accepts instructions from solicitors and directly from property and construction professionals and businesses large and small. Andrew acts as a mediator and determines disputes as an adjudicator, and as an expert. He also sits as an arbitrator and whatever method of dispute resolution the parties have chosen, he is able to bring his dual expertise of construction & property and law to focus on the issues in hand.

As a practicing Barrister at Law from leading chambers, Andrew provides advice on issues of substantive and procedural law (including court litigation, arbitration and ADR). He drafts and settles Statements of Case, Orders, Application Notices and Skeleton Arguments and he appears regularly as an Advocate before a variety of Courts and Tribunals, including the High Court and County Courts and in Arbitrations.

He drafts Interim Applications (including those in relation to interim and freezing injunctions, summary judgment, striking out proceedings and for Interim payments) and in relation to Appeals. He also drafts standard terms of business contracts and construction contracts and sub contracts, and documents arising out of these contracts including warranties.

Andrew regularly appears as an Advocate in the High Court (Chancery and QBD divisions, including TCC and Mercantile courts) and the County Courts of England and Wales. Andrew has also been instructed and has appeared as an advocate in a number of arbitrations including, property and construction and engineering (including proceedings contesting the efficacy of arbitration Awards / proceedings in the High Court).

Examples of recent advocacy cases in the High Court and in 1996 Act Arbitrations include: construction defects litigation; an application under s. 68 of the Arbitration Act 1996 to set aside an Arbitrator's (Rent Review) Award (and in a different context namely a construction case, resisting the same type of application); the effectiveness of notices to quit in the context of a Landlord and Tenant dispute; easements and boundary disputes; commercial conveyancing dispute involving notices to complete

and time of the essence; commercial dilapidations Arbitration; and minority shareholders rights litigation under s.459 of the Companies Act 1985.

In addition to the principle areas of his work as a Barrister, Andrew is fully accustomed to assisting Instructing Solicitors with disclosure exercises preparing witness statements and Affidavits (the latter less so these days) drafting of Instructions to experts and reviewing expert reports, and drafting correspondence. Andrew is also familiar in dealing with lay clients directly.

As a dually qualified barrister at law, Andrew offers sound legal and tactical advice and can often bring innovative, cost effective and practical solutions to problems in hand. Andrew was called to the Bar at Lincoln's Inn in 1992 and was reappointed treasury counsel in October 2003.

Professional CV

Please refer to the **Achievements & Publications** section.

Andrew has worked in South Africa and in the Gulf and on cases involving The Netherlands, Spain, Pakistan, Hong Kong and Bermuda.

Recommendations

Andrew is again ranked as a leading junior in Chambers & Partners / Legal 500 legal directories in 2007 in the areas of property, professional liability and construction and engineering law. He is also noted as being a "direct and approachable advocate".

Examples of Recent Work

- **Construction and Engineering**
- **Common law claims and claims under construction contracts / sub-contracts**
- **Defective Buildings and Products**
- **Professional Liability**
- **Insolvency**
- **Property Use and Development**
- **Commercial and Contractual Disputes**

Contact details

T: 07973 176824

F: 01904 541904

andrewnoble@NobleADR.com