

Andrew Noble LLB [Hons], FRICS, FCI Arb, Barrister at Law, Chartered Surveyor & Chartered Arbitrator

Introduction

Andrew Noble is an experienced specialist Barrister at Law, chartered surveyor (FRICS) and chartered arbitrator (FCI Arb+), and is a member of the following Specialist Barrister Associations reflecting his practice as an experienced barrister: Chancery Bar Association, the Technology and Construction Court Bar Association (where he is a member of the London Management Committee), the Property Bar Association 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 also a member of the Society for Construction Law.

He provides specialist business clients with experienced specialist legal advice, drafting and representation concerning all aspects of his practice whether involving litigation, adjudication, arbitration or ADR / mediation. Andrew regularly appears before Judges and Arbitrators in his specialist areas of practice both in the UK and overseas.

Andrew, is also a Registered Chartered Arbitrator, Accredited Mediator and Construction Adjudicator, and is an experienced dispute resolver across all the areas of practice in which he specialises, which principally involve him acting in the capacity of chartered arbitrator, mediator or adjudicator. He has also been appointed by the chairman of the Bar Council (Barrister's professional Body) to resolve a multi-million pound sterling dispute between developers and land owners involving a complex Developer's "overage" contract (involving the determination of the meaning of the contract with a view to ascertaining the calculation of additional payments due from a developer to a former owner of significant hectares of development land).

He is a former branch chairman of both the Chartered Institute of Arbitrators and the Royal Institution of Chartered Surveyors. He is again noted as a leading barrister in the Legal 500 directory in the areas of property, professional liability and construction law and engineering law and as being a "direct and approachable advocate".

Please see the **Work Undertaken** section for examples of recent work.

Areas of Emphasis

Real Property: boundaries, easements and profits, restrictive covenants, nuisance, trespass, conveyancing disputes (including land registration, adverse possession, and appeals), commercial landlord and tenant (including possession claims, dilapidations 1954 Act renewals and Rent review), mortgages and charges, options, co-ownership and trusts of land, property-related professional negligence, and property-related insolvency, Inheritance Act claims, Wills, & probate.

Construction Law: 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 liquidated/delay damages claims, and (iii) money claims for direct loss and / or expense, damages, and final account / variations. Insurance claims including claims against the NHBC and NHBC Building Control Services Limited (on behalf of both householders and registered contractors); Insolvency claims involving works unpaid for and plant and material stored on or off site, Retention of Title, construction bonds, preferences and priorities. Advising in relation to of most standard forms of construction contracts and subcontracts including termination, determination and repudiatory breaches and measure of loss.

Commercial: 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 1977 (as amended).

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 the substantive construction contractual issues that arise on construction projects (including under standard forms of construction contracts and subcontracts) as well as procedurally involving industry-wide use of speedy statutory adjudication.

Background

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

Call 1992 (Lincoln's Inn, London)

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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 Riyadh, Saudi Arabia.

After ten years in practice in the UK and internationally, he transferred to the Bar where he practices exclusively in the areas of practice referred to above in **litigation, arbitration**, and in ADR (**adjudication, mediation & expert determination**). Andrew has been involved in property & construction law all his professional life. He enjoys a nationwide practice and he accepts instructions from solicitors and directly from property and construction professionals, claims consultants and businesses large and small.

Whatever method of dispute resolution the parties have chosen, Andrew is able to bring his construction & property expertise and legal 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 in court litigation, arbitration and in 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.

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 (including subsequent court proceedings contesting the enforcement of arbitration Awards / proceedings in the High Court).

In addition to the principle areas of his work as a Barrister, Andrew is fully accustomed to assisting Solicitors and the parties with disclosure exercises preparing witness statements and Affidavits (the latter less so these days) reviewing expert reports, and drafting correspondence.

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, in the Gulf (Saudi Arabia, Egypt, Dubai & Abu Dhabi), and in South East Asia (Singapore and South Korea) and on cases involving The Netherlands, Spain, Pakistan, Hong Kong and Bermuda.

Recommendations

Andrew is again ranked as a leading barrister in the Legal 500 legal directory in the areas of property, professional liability and construction and engineering law. He is also noted as being a "direct and approachable advocate" and 'offers a unique perspective on the construction industry and creates an easy rapport with clients'.

Examples of Work Undertaken

- **Construction and Engineering**
- **Defective Buildings and Products**
- **Professional Liability**
- **Insolvency**
- **Property Use and Development**
- **Commercial and Contractual Disputes**