

Call: 2002

## Charles Edwards

MSt(Cantab) MSc(Lond) MCIArb MRICS FCInstCES  
Barrister

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### Charles is a high performing construction barrister with expertise in construction, engineering and infrastructure.

Charles Edwards is Head of Chambers at New Temple Chambers and a recognised legal expert in construction and engineering law. Charles is a first-class practicing Construction Barrister and a Chartered Quantity Surveyor, specialising in construction, engineering, and infrastructure. Charles has significant and in-depth experience in construction, engineering, and infrastructure, litigation in the Technology and Construction Court (TCC), adjudication, arbitration, as well as advising on commercial and chancery matters in the High Court.

Charles' knowledge and insight has been described as "unparalleled". Charles' "grasp and in-depth knowledge of construction, construction law and dispute resolution...is second to none." Charles is "...extremely dedicated, precise, and utterly relentless...". He has been described as "...a leading thinker in the construction law field" and is "an advocate you most certainly want on your side".

Charles has a busy practice in chambers in construction and engineering law and specialises in the resolution of large scale, major and complex construction, engineering and infrastructure disputes. This includes advisory work and robust representation in adjudication, the Technology and Construction Court, the Court of Appeal, and arbitration. Charles has a predominately High Court practice due to the complexity of cases he is instructed in.

### Practice Areas

- Construction, Engineering & Infrastructure
- Adjudication
- Commercial Litigation
- International Arbitration

## Professional Associations & Memberships

- Middle Temple
- Member of the Technology and Construction Bar Association (TECBAR)
- Member of the Chancery Bar Association (ChBA)
- Member of the Commercial Bar Association (Combar)
- Member of the Chartered Institute of Arbitrators (MCI Arb)
- Member of the Worshipful Company of Arbitrators
- Member of the JCT Council Committee (CICES Representative)
- Member of the Royal Institution of Chartered Surveyors (MRICS)
- Fellow of the Chartered Institution of Civil Engineering Surveyors (FCInstCES)
- Chair of the Contracts & Dispute Resolution Panel at the Chartered Institution of Civil Engineering Surveyors

## Construction, Engineering, Infrastructure

### Selected cases:

- Court of Appeal  
Acted as sole counsel for the Appellant in the Court of Appeal (before Coulson LJ, King LJ, and Popplewell LJ), representing the Appellant in **A & V Building Solutions Ltd v J & B Hopkins Ltd [2023] EWCA Civ 54**.
- High Court (TCC) – Enforcement of Adjudicator’s Decision  
Advised and acted in the High Court in a claim for the enforcement of an Adjudicator’s decision in relation to non-payment and loss and/expense awarded to a Contractor. This included settling pleadings and representation in the enforcement proceedings, Part 8 proceedings and application to strike out and in the TCC (**A & V Building Solutions Ltd v J & B Hopkins Ltd [2022] EWHC 1186**).
- High Court (TCC) – Enforcement of Adjudicator’s Decision  
Advised and acted in the TCC in a claim for the enforcement of an Adjudicator’s decision in relation to non-payment of variations and interim applications for payment awarded to a Contractor. This included settling pleadings and representation in the TCC: **Bishop and Levett (case no. HT-2024-000188)** unreported.

- High Court (TCC) – Enforcement of Adjudicator’s Decision  
Acted in the TCC representing the Claimant in the enforcement of an adjudicator’s decision: **Level 1 Raised Flooring Ltd v JM Construction (SW) Ltd [2023] EWHC 2841 (TCC)**.

### Experience includes:

- NEC3 Contract – circa £7 million  
Advised a contractor successfully on a major infrastructure dispute with an Employer with a value of circa £7 million pursuant to an NEC3 Contract. This involved advising on the interpretation of amendments to the NEC3 Engineering and Construction Contract, Compensation Events and Pay Less Notices issues. The matter settled for circa £6 million.
- JCT Design and Build Contract 2016 – Adjudication – circa £3 million – Breach of Contract – Professional Negligence  
Representing a Contractor against a large architectural consultancy in multiple adjudications for breach of contract regarding the provision of professional services and a JCT Design and Build Contract 2016 with a dispute value of circa £3 million in relation to several blocks of apartments.
- NEC4 Term Service Contract – circa £1.2 million  
Advised a Subcontractor successfully on an adjudication launched for circa £1.2 million against them pursuant to an NEC4 Term Service Contract and the legal strategy to be adopted and the counterclaim for outstanding sums on the final account. Based on the legal strategy adopted, the Subcontractor was able to rebut the claim for £1.2 million and was successful in a counter claim for circa £300K.
- NEC3 Contract – circa £1 million  
Acted for government organisation in a complex infrastructure dispute (for circa £1 million) against a Contractor for alleged unlawful termination of contract and non-payment pursuant to an NEC3 Contract which was taken to adjudication by the Contractor.
- FIDIC 2017 – Contract claim – circa €15 million  
Acted for a Contractor against a foreign government in respect of circa €15 million claim in relation to an infrastructure project for the foreign government.
- JCT Intermediate Building Contract with contractor’s design 2016 – circa £6 million  
Advised on complex points of law including drafting a Deed of Variation to JCT Intermediate Contract with contractor’s design 2016 in respect of circa £6 million.

- High Court (TCC) – JCT Design and Build Contract 2016 - Foreign Government – circa £500K  
Claim against a foreign government. Advising and settling pleadings in a circa £500K TCC claim concerning construction works carried out for a foreign government’s embassy in London pursuant to a JCT Design and Build Contract 2016.
- NEC3 Contract – Major National UK Project  
Advised on the legal strategy adopted in relation to payment disputes involving Compensation Events under an amended NEC3 Contract in order to recover outstanding payment on a major national high-profile project.
- JCT Standard Building Contract 2016 – circa £9 million  
Advised on the legal strategy in relation to a JCT Standard Building Contract 2016 final account dispute, that was worth circa £9 million. This was successfully resolved following the Advice.
- Bespoke Construction Contract – circa £4.5 million  
Advised on a counterclaim for the recovery of circa £4.5 million. This was following a successful adjudication in favour of my client, including drafting robust response to a Letter of Claim seeking circa £4.5 million.
- Bespoke International Construction Contract – circa £9 million  
Reviewed bespoke contract for mining works in Africa in relation to a circa £9 million claim.
- NEC3 Contract – Payment Dispute – Compensation Events  
Advised a Contractor on Compensation Events under an amended NEC3 Contract and the strategy to be adopted in order to recover the outstanding payments on a major national project.
- High Court Proceedings – JCT Payment Dispute/Winding-up Petition – Insolvency  
Advised a Contractor on a payment and valuation dispute, the interpretation of contract terms and conditions, a proposed winding-up petition in the High Court and the best strategy to be adopted in order to achieve the client’s objectives and recover the outstanding payment.
- JCT Design and Build Contract 2016 – Drafting Guaranteed Maximum Price Contract  
Advised and drafted amendments to a JCT Design and Build Standard Form of Contract 2016 for use on a major new build city centre residential development in order to achieve a Guaranteed Maximum Price Contract (GMP) for an Employer. With these amendments, it was found by the High Court on appeal of the Arbitrator’s award to be a Guaranteed Maximum Price Contract. The High Court Judge stated:

“...The provisions of art 10 in my judgment very clearly allocate the burden of unforeseen or unknown risks ...”

- High Court (TCC) – Enforcement of an Adjudicator’s Decision  
Advised and acted in enforcement proceedings in relation to the enforcement of an Adjudicator’s Decision for a new residential development.
- High Court – Payment Dispute (Proposed Trial in the TCC)  
Drafted statements of case in connection with negligent surveys for the construction of a new industrial building. This involved breach of contract and the failure to exercise reasonable skill and care, non-payment, and damages.
- High Court (TCC)– Enforcement of an Adjudicator's Decision  
Advised a proposed claimant on the enforcement of an Adjudicator’s decision in the High Court.
- High Court (TCC)- Enforcement of an Adjudicator’s Decision  
Advised the proposed defendant on resisting the enforcement of an Adjudicator’s decision in the High Court (TCC).
- High Court (Chancery Division)  
Advising in a dispute involving a contractor, construction insolvency, breach of contract and non-payment.
- High Court (TCC) – Cladding Works  
Charles acted as sole Counsel for the Defendant in proceedings in the High Court (TCC) in relation to severe defective works, which included Cladding Works and whether the building works completed by the Defendant were in breach of the building Regulations and/or the construction contract, the limitation period and the effect of the final certificate issued pursuant to the contract. Charles advised on the legal strategy to be adopted in the TCC, the interpretation of the construction contract and the evidence to be presented, drafted the Pre-Action Protocol Lettering response to the Claimant’s solicitors following which the Claimant forthwith engaged in settlement discussions rather than continuing with proceedings in the TCC.

## Adjudication

### Experience includes:

- JCT Design and Build Contract 2016

Representing a Contractor against a large architectural consultancy in multiple adjudications for breach of contract regarding the provision of professional services and a JCT Design and Build Contract 2016 with a dispute value of circa £3 million in relation to several blocks of apartments.

- Infrastructure (Top 5 UK Contractor) – Payment Dispute  
Acted for the Referring Party (a top 5 UK Construction Company) in adjudication proceedings against a large multi-national plc. This involved setting out the overall legal strategy to be adopted based on a sound understanding of the client's objectives and implementing the same in what proved to be a successful adjudication.
- Final Account & Payment Dispute  
Acted for the Referring Party (main contractor) in adjudication proceedings in connection with a payment dispute with regard to a new build restaurant, offices, and industrial buildings. This matter involved breach of contract, alleged defective works, non-payment, extension of time disputes and the unlawful deduction of liquidated damages.
- Payment Dispute Mechanical & Electrical Works  
Acted for the Responding Party (main contractor) in adjudication proceedings in connection with complex mechanical and electrical works, breach of contract, non-payment, alleged variations, extension of time issues, defective works, and damages.
- NEC3 Contract  
Advised a contractor successfully on a major infrastructure dispute with an Employer pursuant to an NEC3 Contract. This involved advising on the interpretation of amendments to the NEC3 Engineering and Construction Contract, Compensation Events and Pay Less Notices issued.
- NEC4 Term Service Contract  
Advised a Subcontractor on an adjudication launched for circa £1.2 million against them pursuant to an NEC4 Term Service Contract and the legal strategy to be adopted and the counterclaim for outstanding sums on the final account.
- JCT Design and Build Contract 2016  
Acted for the referring party in a dispute involving the recovery of Overheads Contributions as part of a loss and/or expense claim pursuant to a heavily amended JCT Design and Build Contract 2016.
- NEC3 Contract – Infrastructure – circa £1 million  
Acted for a government organisation in a large, successful, infrastructure dispute against a contractor for alleged termination of contract and non-payment pursuant to an NEC3 Contract which was taken to adjudication by the Contractor.

## Commercial Litigation

### Experience includes:

- Court of Appeal – Costs proceedings  
Advised the Appellant on cost proceedings in the Court of Appeal against a High Court Order.
- Commercial Court (High Court)  
Advised a defendant in a Commercial Court claim for circa £2.9 million involving bonds, misrepresentation, and directors' duties under the Companies Act 2006.
- High Court (TCC)  
Acted in a cross-border insolvency matter before the Bankruptcy and Companies Court involving judgement, costs issues and seeking Leave to Appeal.
- High Court (Chancery Division)  
Advised and acted in two commercial property disputes involving applications in the High Court, forfeiture and obtaining two injunctions in the High Court on behalf of the Commercial Tenants.
- High Court (Chancery Division)  
Advised on insolvency and proposed winding-up petition in the Companies Court against a large UK public limited company.
- County Court – Partnerships Dispute  
Advised and acted in a partnership dispute for a business owner involving ownership of two different businesses. This matter involved disputes over the terms of the partnership agreement, breach of contract, loss of profits and forensic expert accountant's report.
- Professional Negligence – Permission to Appeal – Solicitors Firm  
Advised in connection with a Permission to Appeal matter in the County Court against a firm of solicitors in connection with professional negligence for breach of fiduciary duty, failure of the solicitors to account for monies received, breach of contract and damages.
- Professional Negligence – Proposed Trial in the Technology and Construction Court  
Drafted statements of case in connection with negligent surveys for the construction of the new industry building. This involved breach of contract and failure to exercise reasonable skill and care.

## Arbitration/International Arbitration

### Experience includes:

- International Arbitration Claim – Infrastructure project  
Advised and assisted (as part of a team) with drafting an international arbitration claim on behalf of a contractor in an ICC arbitration against a particular government in relation to an infrastructure project seeking circa \$40 million.
- JCT Payment Dispute – Arbitration  
Advised an Employer in connection with an Arbitration agreement included in a JCT Building Contract 2016 on a major new build development and the interpretation of the dispute resolution provisions included within the building contract between the parties.
- High Court Proceedings- Section 9 of the Arbitration Act 1996 (Oil & Gas Sector)  
Acted for an international company regarding Applications in the High Court (Queen’s Bench Division) under section 9 of the Arbitration Act 1996 to stay legal proceedings commenced against the company in the High Court. This matter involved the oil and gas industry, international commercial law, the validity of an arbitration agreement, breach of contract and the jurisdiction of the High Court in England and Wales.
- Proposed Arbitration – Professional Negligence – Against a Firm of Solicitors  
Acted for a firm of solicitors in a proposed arbitration involving an insurance dispute against the firm. This matter involved advising on the arbitration agreement, material non-disclosure, interpretation of the terms and conditions of the insurance policy and the circumstances in which the policy holder may be denied cover by the underwriters.
- NEC3 Contract – circa £1 million  
Advised on arbitration proceedings in relation to a dispute for circa £1 million pursuant to an NEC3 Contract.

## Education & Qualifications

- Barrister (2002) (Middle Temple)
- Public Access Accredited Barrister (available on a direct access basis)
- Chartered Quantity Surveyor (MRICS)
- Chartered Civil Engineering Surveyor (FCInstCES)
- Member of Chartered Institution of Arbitrators (MCI Arb)
- Inns of Court School of Law, Gray’s Inn
- MSc (Lond) King’s College London, Centre of Construction Law
- MSc (Cantab) University of Cambridge, Wolfson College (Department of Engineering and Architecture)

## Direct Access

Charles is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.

## Recommendations (includes)

- Feedback from a Managing Director in a construction and engineering dispute in the TCC:  
"I would like to thank you for the professional services and representation during adjudication enforcement proceedings in High Court, it was an absolute pleasure working with you and your flawless services from start to finish. Thank you so much for helping us win our case and getting us our monies back..."
- High Court Judge, Queen's Bench Division  
"...Counsel for the Claimant's skeleton argument was excellent..."
- Director (Top 5 UK Contractor)  
"...in a recent adjudication conducted against a large multi-national corporation...Charles was instrumental in putting together the adjudication documents and dealing with all correspondence from the opposing side's solicitors ...in an adjudication that proved to be very successful in its conclusion...I have no hesitation in recommending Charles to others and...look forward to working with him in future..."
- Commercial Director  
"...I worked with Charles on a number of complex construction disputes and found his grasp and in-depth knowledge of construction, construction law and dispute resolution to be second to none..."
- Partner (LLP)  
"We have known and worked with Charles on a regular basis over several years. We have found Charles to not only be friendly, approachable, and professional, but his advice is considered, diligent and thorough. Our relationship with Charles has evolved to a point where he is our first port of call in litigious matters, with our supply chain also specifically requesting his services"

- Director (UK multidisciplinary practice)  
“Having had the privilege of working with Charles I can say he is extremely dedicated, precise, and utterly relentless. A leading thinker in the construction law field, and an advocate you most certainly want on your side.”

## Articles & Case Summaries

- The Conduct of Litigation in the Technology and Construction Court: Recent Guidance from the TCC (**Gotch & Anor v Enelco Ltd [2015] EWHC 1802**)
- Beware of the Payment and Time related provisions in the JCT Standard Building Contract 2011: Recent guidance from the High Court (TCC) (**Henia Investments Inc v Beck Interiors Ltd [2015] EWHC 2433**)
- Adjudicators’ Decisions: Recovery of Overpayments, Time Bars and Limitation Periods – Supreme Court Guidance (**Aspect Contracts (Asbestos) Ltd v Higgins Construction Plc [2015] UKSC 38**)
- Arbitration Act 1996 and the Insolvency Rules 1986: Guidance from the High Court (**Philpott & Anor v Lycee Francais Charles De Gaulle School [2015] EWHC 1065**)
- NEC3 Contract – Project Manager reversing his decision: Can a Second Adjudicator consider the First Adjudicator’s Decision? – High Court (TCC) Guidance (**Arcadis UK Ltd v May and Baker Ltd (t/a Sanofi) [2013] EWHC 87**)
- Employer’s application for judgment against Contractor rejected in the High Court (TCC): Statements made in an ‘Offer’ did not constitute ‘Admissions’ (**The Dorchester Group Ltd v Kier Construction Ltd [2015] EWHC 3051**)
- The UK Supreme Court considers over 100 years of law and provides useful guidance in determining what is a Penalty Clause (**Cavendish Square Holding BV v Talal El Makdessi; ParkingEye Limited v Beavis [2015] UKSC 67**)
- JCT Building Contract: What is meant by an “Appropriate Deduction” and how should it be calculated? – Guidance from the High Court (TCC) (**Mul v Hutton Construction Ltd [2014] EWHC 1797**)

- NEC3 Conditions of Contract (as amended): How many potholes constitute a Compensation Event? – Adjudication, Arbitration and then the High Court (TCC) (**Atkins Ltd v Secretary of State for Transport [2013] EWHC 139**)
- Practical Completion: Construction Contracts (**O'Rourke Construction Ltd v Healthcare Support (Newcastle) Ltd & Ors [2014] EWHC 2595**)
- Incorporation of Terms and Conditions: Battle of the forms – useful guidance from the High Court (TCC) (**Transformers & Rectifiers Ltd v Needs Ltd [2015] EWHC 269**)
- Adjudication: Cherry picking what is submitted to Adjudication (**St Austell Printing Company Ltd v Dawnus Construction Holdings Ltd [2015] EWHC 96**)
- FIDIC Yellow Book: Major Construction Project, Extension of Time, Conditions Precedent, Termination of Contract – Guidance from the High Court (**Obrascon Huarte Lain SA v Her Majesty's Attorney General for Gibraltar [2014] EWHC 1028**)
- Arbitration: Enforcement of a Dubai Arbitration Award in the High Court in England – The Approach of the High Court to section 103 of the Arbitration Act 1996 (**Honeywell International Middle East Ltd v Meydan Group Llc [2014] EWHC 1344**)
- Dangers of Proceeding with Construction Works using Letters of Intent (**Ampleforth Abbey Trust v Turner & Townsend Project Management Ltd [2012] EWHC 2137**)
- The Adjudicator simply got it wrong: Challenging Adjudicator's Decisions using Part 8 proceedings in the High Court – Guidance from the High Court (TCC) (**Hutton Construction Ltd v Wilson (London) Properties Ltd [2017] EWHC 517**)
- Non-Payment in Construction Contracts and Winding-Up Petitions: Guidance from the High Court (Chancery Division) (**Breyer Group Plc v RBK Engineering Limited [2017] EWHC 1206**)
- NEC3 Contracts: Have you agreed a change to your Contract orally or by conduct or does it need to be in writing (Clause 12.3) (**Globe Motors, Inc & Ors v TRW Lucas Varity Electric Steering Ltd & Anor [2016] EWCA Civ 396**)

## Talks/Training & Seminars

- Talk at the Chartered Institute of Arbitrators (Thames Valley Branch) (JCT/NEC3 and PPC2000)

- Charles Edwards, Barrister & TECBAR Adjudicator gave a talk on Collaborative Working in connection with Construction Contracts at the Chartered Institute of Arbitrators (Thames Valley Branch) based on research carried out and supervised at the University of Cambridge (Departments of Engineering and Architecture)

Collaborative Working and UK Construction Contracts

<http://thames-arbitrators.org.uk/events/collaborative-working-and-uk-construction-contracts-1>

- Talk on Letters of Intent on behalf of the Chartered Institution of Civil Engineering Surveyors
- Keynote Speech on Dispute Resolution at Olympia London Exhibition Centre (Dispute Resolution)
- Charles Edwards, Barrister & TECBAR Adjudicator gave a keynote speech on Dispute Resolution at the T10+ Business Show at Olympia London. The successful keynote speech was titled: “Key Steps Towards Successful Dispute Resolution Management”
- Talk for an International Engineering Company involved in the Construction Industry (Letters of Intent)
- Talk on Payment – Cash is King – Legal Update, on behalf of the Chartered Institution of Civil Engineering Surveyors
- Charles Edwards, Barrister & TECBAR Adjudicator was invited by an international engineering company to give a talk on Letters of Intent at their annual training day. This included amongst other things, the dangers of proceeding with Construction Works on Letters of Intent
- FIDIC 2017 Yellow Book for large project management consultancy overseeing data centres
- JCT Design & Build 2016
- Talk on Payment & Construction Contracts
- Talk on construction law and payment caselaw for Turner & Townsend
- Talk on key updates from 2024 in construction law, including the top 5 key cases of 2024, NEC4 and JCT2024 at the Annual Construction Law Seminar 2024
- Seminar on Letter of Intent



REGULATING BARRISTERS