

Lucy Colter

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Destined to be one of the stars of the English Bar

- Legal 500

Lucy Colter's practice is focused on the core areas of commercial litigation (including offshore work), professional liability claims, and construction.

Lucy is ranked as a leading junior in the Legal 500 for Commercial Litigation, Offshore, Construction and Professional Negligence and in Chambers & Partners for Construction, Professional Negligence and Professional Negligence: Technology and Construction. She is currently nominated for the 2020 Chambers & Partners *Construction Junior of the Year* award.

Lucy has been described as "Destined to be one of the stars of the English Bar - she is extremely bright, personable and tactically incisive", "perfect with clients and one of the cleverest barristers I have worked with." "She provides consistently excellent service and understands entirely what we and our insured and insurer clients want", "first-rate - someone who works hard under difficult circumstances and is very approachable and normal", "she is excellent, good at the detail, very positive and has a good knowledge of the law", "extremely hard-working, very bright and has an exceptional mastery of the detail of complex matters. She provides invaluable input" and "a good team player who is insightful and responsive."

In 2017, Lucy was identified as one of just twelve "Stars of the Bar" under 10 years' call by Legal Week.

Commercial litigation

Lucy's practice is dominated by large-scale litigation particularly with a Russian/CIS connection. Led by Justin Fenwick QC, she has represented Oleg Deripaska in recent arbitral, High Court and Court of Appeal proceedings against Vladimir Chernukhin.

Professional Liability

Lucy acts in challenging and high-value claims, both for and against professionals. She is presently instructed (led by Ben Hubble QC) by an ultra high-net worth client bringing lost litigation claims worth US\$500 million+ against a leading City firm of solicitors in respect of claims arising out of a failed joint venture and the extraction and dissipation of the client's interests and funds worldwide. She was recently instructed (led by Graeme McPherson QC) in a claim against a senior tax barrister instructed as an expert in respect of the demerger of a property empire, involving allegations of conflict and bias.



Construction & Engineering

Offshore

Lucy's practice involves substantial and diverse offshore work in particular in the Channel Islands and Cayman. She is instructed in trust matters and litigation; construction matters concerning offshore arbitration or claims in the Royal Court; contractual disputes. Her commercial litigation practice very frequently involves an offshore element, in particular Cyprus, Cayman and the BVI.

Details of Lucy's practice in each area can be found below.

Privacy Policy

Click here for a [Privacy Policy](#) for Lucy Colter.

Areas of Expertise

Construction & Engineering

Lucy is currently nominated for the 2020 Chambers & Partners *Construction Junior of the Year* award.

“She will work tirelessly on any brief to ensure the best commercial outcome for her client. Her technical skills are second to none, although she also understands the wider commercial drivers around settling matters outside of court, and is adept at explaining very complex legal issues to lay clients in a very accessible and constructive way.” – Chambers and Partners, 2020

‘Destined to be one of the stars of the Bar.’ – Legal 500, 2020

‘She is exceptional at what she does. She is highly organised, tough, determined and yet highly accessible.’ – Legal 500, 2021

Lucy has very extensive experience of hard-fought and high-value construction disputes, including the TCC, arbitration and adjudication. She acts for leading construction engineering companies and development companies and has dealt with the major forms of contract. She has worked extensively on construction disputes in Jersey and Guernsey. Lucy has exceptional ability in respect of complex technical and scientific evidence and enjoys the challenge presented by it.

Lucy has equal experience of professional negligence claims against construction professionals, acting for and against architects, project managers and quantity surveyors. She has acted on multiple claims against heritage architects / architects working on listed or protected buildings.

Significant instructions in this area include:

- Recently instructed by Norton Rose Fulbright in an adjudication arising out of long-running litigation concerning a waste disposal plant constructed under a PFI contract, involving the proper interpretation of the insurance requirements under a construction contract. Led by Gordon Nardell QC (Essex Court Chambers).
- Recently instructed as sole counsel for a firm of engineering associates on a £12 million claim by Multiplex Construction Europe Ltd for the defective design of a slipform rig at 100 Bishopsgate. The client was retained to review and check the slipform design.
- Acting for a private client in intimated claims against well known heritage architects in respect of a disastrous renovation of Grade II* listed property in Hampstead, which led to threatened prosecution and enforcement action. Damages estimated at £1-2 million.
- Acting for claimant employers in respect of claims against an architect relating to a failed and seriously defective new-build

- residential development in Cheshire, and concerning mitigation strategy including demolition and rebuilding.
- Acting in claims for declaratory relief against McAlpine Grant Ilco Ltd concerning multiple adjudications and the issue of whether a PPM/project services contract has actually been entered into.
 - Instructed by Dandara, a major property developer on Jersey, in Royal Court claims against a civil engineering contractor, arising out of allegedly defective subcontract works on the foundations of a beachfront property. Lucy led Marie-Claire O’Kane and Benjamin Fowler on these matters.
 - Acting for the claimants in a £1 million+ claim in Guernsey against architects relating to the renovation of an ancient property into a modern home, which suffered from serious water ingress. Lucy led Will Harman.
 - Acting for the claimants in two related arbitrations in Jersey concerning the construction of two multi-million pound projects. Allegations were of defective works including a pattern of construction failures to waterproof and protect coastal properties. Lucy worked closely in Jersey with the client’s remedial team to present the claim in the strongest possible way. With George McDonald.
 - Acting for Construction Partnership UK Limited in arbitration, specifically a defects claim for £1.5 million+ arising out of construction projects in Manchester.
 - Representing Carillion in a £10 million+ arbitration against a civil engineering firm concerning defective foundations. Led by Roger Stewart QC.
 - Representing the successful contractor in preliminary issues in a claim against its subcontractor for negligent installation of a sprinkler system at an office block development. The preliminary issues concerned the proper construction of the contractual mechanism for determining practical completion: *GB Building Solutions Ltd (In Administration) v SFS Fire Services Ltd* [2017] EWHC 1289.
 - Acting for Carillion Telnet in a complex £2 million+ adjudication arising out of framework agreements and civil engineering works on a telephone network.
 - Acting for Carillion on an adjudication arising out of final account and delay claims, pursuing negligence claims against an M&E engineer.
 - Acting on behalf of the successful project manager/quantity surveyor in *William Clark Partnership Ltd v Dock St PCT Ltd* [2015] EWHC 2923 (TCC), defeating a “global” claim that the project manager had caused the entirety of a £1 million costs overrun. Lucy was instructed to appear on her own against Justin Mort QC (Keating Chambers). The Court of Appeal refused permission to appeal.
 - Acting on behalf of Carillion in a 5 week trial in Manchester TCC in a final account dispute arising out of a project at Warrington College, led by Anneliese Day QC. Carillion succeeded at trial. The case included a complex delay claim and allegations of breach of duty in respect of the corrosion of a low temperature hot water system.
 - Acting on behalf of a development company in respect of a claim against architects and quantity surveyors arising out of the construction of a clubhouse, using a log-shell constructed in Russia.
 - Instructed in respect of an adjudication under an NEC3 contract, in respect of delay issues arising out of the construction of an airport terminal.
 - Acting on behalf of a leading engineering company in respect of a dispute and potential high-value arbitration against a major energy company arising out of the construction of a power station. There were complex factual and legal issues in respect of project management and responsibility in addition to technical issues. Again led by Anneliese Day QC.
 - Advising a French company tendering for the construction of waste treatment processing at a new nuclear power station, in respect of the application of the FIDIC “Yellow Book” precedent.
 - Successfully defending a firm of architects in a 5 day trial in Manchester TCC in respect of multiple allegations of negligence by a construction company arising out of the construction of office blocks, especially in respect of the design and specification of a roof and high level ventilation system.
 - Acting for Carillion in respect of a claim brought by a subcontractor (now in administration) arising out of payments made in the course of 18 different construction projects.
 - Acting for a quantity surveyor alleged to have inadequately supervised and monitored the demolition and rebuild of a property on Guernsey. The plaintiff alleged that the property was unfit for occupation and should be demolished. The plaintiff had also alleged that the construction company had concealed breaches and defective work. Lucy assisted the Ogier (Guernsey) team in preparing for trial (before settlement on Day One of trial).
 - Acting for a defendant quantity surveyor in respect of a claim brought by a construction company, in respect of an unprofitable construction project carried out under a JCT. This includes issues arising out of failed dispute resolution, adjudication and (again) includes issues relating to the extent of the surveyor’s responsibilities and role.
 - Acting for a regulated energy company against engineers in respect of damage done to a water main during excavation works on a bridge.

Qualifications & Memberships

Lucy is a member of Lincoln's Inn. She was awarded the Lord Brougham, Lord Mansfield and Lord Sheldon scholarships for the CPE, BVC and pupillage respectively.

Lucy is a long-standing contributor to Jackson & Powell on Professional Liability (currently in its 8th edn.).

She is a member of COMBAR, TECBAR and PNBA.

Lucy sits on COMBAR's Equality & Diversity Committee and is a former chair of the Young COMBAR committee.

Education

Lucy read English Language & Literature at Trinity College, Oxford, where she achieved a First Class Degree (coming top of her year in Moderations). She was a Percival Exhibitioner and Scholar at Trinity College, and won the Mrs Claude Beddington and the Violet Vaughan Morgan university prizes. She obtained a distinction in the law conversion (CPE), and took a year out to travel in Russia, China, Hong Kong and South East Asia, before the Bar Vocational Course.

Insights

Jackson & Powell on Professional Negligence

1 December 2011

Lucy is a contributor to the 7th edition

Inquests and the “detachable” article 2 obligation: In Re McCaughey, Judicial Review, 2011, 16(3), 290-296

1 December 2011

Discusses the Supreme Court judgment in Re McCaughey's Application for Judicial Review [2011] UKSC 20 on whether the House of Lords decision in Re McKerr's Application for Judicial Review [2004] UKHL 12, ruling that an inquest into deaths occurring before the Human Rights Act 1998 entered into force need not meet the procedural requirements of the European Convention on Human Rights 1950 art.2, should be overruled as a consequence of the European Court of Human Rights ruling in Silih v Slovenia (71463/01) (2009) 49 E.H.R.R. 37 (ECHR) that, in certain circumstances, art.2 imposed freestanding procedural obligations.

Smith (Oxfordshire Coroner) in the Supreme Court, Judicial Review, 2010, 15(4), 356-365

1 December 2010

Comments on the Supreme Court judgment in R. (on the application of Smith) v Oxfordshire Assistant Deputy Coroner [2010] UKSC 29 on whether British service personnel serving overseas remained within the UK's jurisdiction for the purpose of determining if they retained the rights conferred by the European Convention on Human Rights 1950. Considers whether the death of a soldier should have been made subject to an inquest satisfying the procedural and investigative standards implicitly required by art.2 of the Convention.

The Atomic Veterans Litigation (Ministry of Defence v AB and others)

22 November 2010

[2010] EWCA Civ 1317

The law on donations to political parties considered for the first time by the Supreme Court: R. (on the application of the Electoral Commission) v. UKIP

30 July 2010

By a 4 to 3 majority the United Kingdom Independence Party (“UKIP”) has won its appeal in the Supreme Court in respect of the proper interpretation of section 58 of the Political Parties, Elections and Referendums Act 2000 (“the Act”), which provides for a power of forfeiture of donations impermissibly made to a political party in the United Kingdom.