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**ANDREW CHARLES BURR**

**ATKIN CHAMBERS**

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**Date of birth:** 22 January 1959  
**Nationality:** British

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**CURRENT PROFESSIONAL ACTIVITIES AND POSITIONS:**

Member of Atkin Chambers since 1983, specialising primarily in construction and technology matters  
Affiliated foreign lawyer with Varul, specialising in international dispute avoidance and resolution  
Associate of the Chartered Institute of Arbitrators: member of the London Branch and Immediate Past Chairman of the European Branch  
Listed on Beijing Arbitration Commission's panel of arbitrators  
Member of the Swiss Arbitration Association  
Member of the British Italian Law Association  
Tutor on various expert witness courses and participant in mock mediations  
Tutor on Hill International masterclasses on the analysis of delay and disruption in construction contracts  
Chair of various conferences on dispute avoidance and resolution in construction and technology matters throughout Europe and the United Kingdom  
Tutor to various Baltic States teams at the Vis Arbitration Moot  
Organiser of the Trinity Hall conference on international dispute resolution 2010

**ADJUDICATION AND ARBITRATION EXPERIENCE:**

**Domestic:**

Represented parties as counsel in a wide range of arbitrations under CIMAR, the ICE procedure, the JCT Rules and various ad hoc references. Has sat as arbitrator under the Electricity Industry Rules and on other ad hoc references.

Appeared in a reported Technology and Construction Court (TCC) case involving the enforcement of a domestic arbitral award against an off-shore company: see case report 1 below.

TeCSA qualified adjudicator, who has conducted several adjudications per year since the coming into force of the Housing Grants, Construction and Regeneration Act 1996 (the HGCRA). Has appeared in various TCC cases involving the enforcement of adjudicators' decisions under the HGCRA: see case reports 2, 4 and 5 below.

**International:**

Recently acted in Germany as counsel on a number of DIS arbitrations involving substantial disputes under high profile international hotel management agreements.

Recently sat with Swiss co-arbitrators as a party-appointed arbitrator on a complex ICC dispute between a Spanish sub-contractor and a German principal contractor, involving the replacement of a Caribbean electricity supply system and the analysis of culpability for delay to completion. Swiss law applied. Previously represented Caribbean resort owners on the enforcement in England of an LCIA award.

Recently acted for an Italian sub-contractor and its parent company in preparations for an ICC arbitration involving substantial claims against a Portuguese main contractor, concerning an underwater gas pipeline in the Gulf of Arabia, along with the prevention of calls on performance bonds. Previously represented Eastern European clients in significant disputes (including investment issues) relating to an oil refinery and pipeline in the Baltics before an ICC tribunal in London.

Recently acted as co-counsel for an American heavy earth-moving equipment supplier in a Swiss Rules arbitration regarding a substantial canal project in Pakistan. Swiss law applied and a jurisdictional defence succeeded. Previously advised Pakistani highway authorities regarding disputes with a Turkish engineering main contractor.

Represented a sub-contractor in proceedings against an Italian joint venture, involving a substantial hospital project on Malta. Maltese law applied before an UNCITRAL tribunal seated in London.

Acted in an ICC arbitration for contractors claiming against an Egyptian financial institution in respect of the construction of a 30 storey office building in Cairo. After various hearings in Paris and several interim awards, substantial recovery was achieved. English law applied.

Represented American employer in London ICC arbitration concerning the supply of medical goods by a Scandinavian company. Dispute resolved by negotiation.

Moderated at Chartered Institute of Arbitrators' European Branch meetings at which various Eastern European and Russian Federation States have been represented. Has spoken at various meetings in Istanbul (Turkey), Vilnius and Druskininkai (Lithuania), Liepaja and Riga (Latvia), Timisoara (Romania), Florence and Rome (Italy), Stockholm (Sweden), Paris (France) and Salzburg (Austria) : see articles 2, 3, 7 and 8 below.

**MEDIATION EXPERIENCE****Domestic:**

Member of the ResoLex Construction Panel. Participated in the ResoLex mock mediation in January 2007: see article 2 below. Has acted as counsel in a number of TCC cases which have been successfully mediated.

**International:**

Member of the Independent Standards Commission of the International Mediation Institute and discussion group rapporteur at the annual congresses at Villa Plantamour, Geneva (Switzerland). Participated in the 2008 Advanced Mediator Retreat, organised by Mediation and Training Alternatives (MATA).

Organised and spoke at the Spring 2007 meeting of the European Branch in conjunction with the Academy of European Law, Trier (Germany), at which the primary focus was on leading edge mediation techniques. Has participated in mock mediations in Rome (Italy), Stockholm (Sweden) and Zagreb (Croatia), where he has also helped organise and moderate at a mediation moot competition at the University of Zagreb.

**REPRESENTATIVE CASES**

1. G Middleton Limited v Berry Creek Overseas Development Limited [2007] TCLR T4
2. Michael John Construction Limited v Golledge [2006] TCLR T3
3. Hadley Design Associates Limited v Westminster City Council [2004] TCLR T1
4. Hortimax Limited v Hedon Salads Limited [2004] Adj LR 1

5. Comsite Projects Limited v Andritz AG (2004) 20 Const LJ 24
6. Fence Gate Limited v NEL (2002) 82 Con LR 41
7. Carillion Limited v Felix AG (2001) CILL 1693
8. IJS v Dew (2001) 17 Const LJ 274
9. Motherwell Bridge v Micafil [2002] Con LR 44
10. Serck Controls v Drake and Scull (2000) CILL 1643

**ACADEMIC AND PROFESSIONAL DEGREE / QUALIFICATIONS:**

- 2008 : Affiliated foreign lawyer : Varul  
 1983 : Tenancy: 22 Old Buildings, Lincoln's Inn (prior to the transfer to our new premises)  
 1981 : Pupillage: Jonathan Woods, 2 Crown Office Row, Temple  
 1981 : Called by Inner Temple  
 1981 : Council of Legal Education Bar Finals  
 1980 : MA (Law), Trinity Hall, Cambridge

**LANGUAGES:**

English and Italian spoken and understood without the assistance of a translator, or interpreter  
 French spoken with a reasonable working knowledge

**EDITORIAL EXPERIENCE:**

Assistant editor of Delay and Disruption in Construction Contracts, Fourth Edition by Keith Pickavance (Sweet & Maxwell): 2010  
 General editor of European Construction Contracts (Wiley Chancery Law)  
 Founder editor of Arbitration and Dispute Resolution Law Journal (Lloyds of London Press)  
 Founder editor of Construction Law Journal (Sweet and Maxwell); now general and articles editor: 1984-date

**REPRESENTATIVE ARTICLES, BOOKS AND OTHER PUBLICATIONS:**

1. "Chess Clock" Arbitration and Time Management Techniques in International Commercial Arbitration (with Pierre Karrer), (2010) 26 Const LJ 53
2. Report on the ResoLex mock mediation in January 2007, (2007) 23 Const LJ 325.
3. Papers from a Joint Meeting of the European Branch and the Swiss Arbitration Association, Villars sur Ollon, Switzerland, March 24-26, 2006, *Arbitration*, November 2006
4. Papers from the Joint Meeting in Dublin of the European and Irish Branches, *Arbitration*, February 2006
5. The Consideration of Critical Path Analysis in English Law, (2005) 21 Const LJ 222
6. ENDR's Fast Arbitration Rules: a Comparative View, *Arbitration*, May 2005
7. Fast Arbitration Rules in Europe: A Comparison, *Chambers Client Report*, February 2005
8. Med-Arb: A Viable Hybrid Solution?, *Les Arbitres Internationaux*, 2005
9. Session 11(A) Submitting and Presenting Evidence – Adversarial, Inquisitorial and Mid-Way Rules of Evidence, *Center for International Legal Studies*, Salzburg, Austria, 2004

**LEGAL DIRECTORIES**

*The Legal 500 2007 Edition*: "hardworking", "a good lawyer and a good advocate".