

Matthew E. Smith

Partner

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OVERVIEW

Matthew Smith focuses on advising on heavyweight UK and international infrastructure projects and disputes including procurement strategy, drafting and negotiating contracts and handling disputes in international arbitration and adjudication. He has a particular focus on rail transport (light rail and high speed rail) and nuclear and renewables projects. He has more than 30 years experience in advising on construction and infrastructure projects and has acted for owners, contractors and consultants on many different disputes utilising many different forms of dispute resolution including litigation, arbitration, adjudication and mediation.

He has experience in all forms of infrastructure contracts including bespoke and EPC and EPCM, O&M and concession agreements. He is skilled in the use of the New Engineering Contract (NEC3 and NEC4) and is frequently requested to lecture on the subject.

Matthew is ranked in Chambers for both contentious and non-contentious construction and in *The Legal 500* as a leading individual for contentious construction. He is described in *The Legal 500* 2024 as “a genuine construction law expert in both the international and UK domestic markets” and “a powerhouse of construction disputes.”

PROFESSIONAL BACKGROUND

Matthew has been a lawyer with the firm since 2000. He qualified as a lawyer in 1995.

ACHIEVEMENTS

- Recognised by *Chambers UK*
  - Transport: Rail, UK-wide, 2027
  - Construction: Contentious in London, 2026-2027
- Recognised by *The Legal 500 EMEA* as a Recommended Lawyer for Construction in United Arab Emirates, 2026
- Recognised by *The Legal 500 United Kingdom* in London

  - Leading Partner for Construction: Contentious, 2024-2027
  - Recommended Lawyer for Construction: Non-Contentious 2024-2027
  - Recommended Lawyer for Oil and Gas, 2027
  - Recommended Lawyer for Power (Including Electricity and Nuclear), 2027
  - Recommended Lawyer for Rail, 2024-2027
  - Recommended Lawyer for Insurance Litigation: for Policyholders, 2024-2026
- Recognised by *The Legal 500 United States* as a Recommended Lawyer
  - Construction (Including Construction Litigation), 2026
  - Real Estate, 2025
- Selected to the London Super Lawyers list, 2013-2015

PROFESSIONAL / CIVIC ACTIVITIES

- NEC Users Group
- MDBF Corporate Panel Member, Dispute Board Federation. Geneva
- FICACIC (Member)
- Society of Construction Law (Member)
- Technology and Construction Solicitors' Association, (Committee Member)
- Arbitration Club (Executive Committee Member)
- Building Regulations Advisory Committee 2001-2003 advising the Deputy Prime Minister on legal issues relating to Building Regulations
- Qualified Solicitor Advocate (Higher Rights of Audience)

SPEAKING ENGAGEMENTS

- Speaker, 'Introduction to the Conference,' NEC People Conference London 2024, 18 June 2024
- 'EPC Contracts for Major LNG projects' Joint K&L Gates/Marsh Seminar on EPC Contracting in the Oil and Gas industry, Houston, 2 November 2015
- NEC: 'The Need for Change' NEC People Conference 2015
- The NEC3 Suite: Beyond the ECC K&L Gates Seminar 7th October 2015
- International Rail Summit 2015 'Procurement Strategies for Major Rail Projects' Barcelona 28 January 2015

- ISLP Workshop on 'Structuring, Negotiating and Managing LNG Projects' Arusha, United Republic of Tanzania, 13-17 October 2014
- FIDIC International Contract Users Conference 'Construction Claims and Defence Workshop' London, 4 December 2014
- NEC People Conference: 'From Adjudication to Z clauses' 17 June 2014
- Construction Law Masterclass: FIDIC in Qatar 15 May 2014
- NEC LinkedIn Conference 'Raising the bar: awareness of events giving rise to time bars for late notification of compensation events', 25 June 2013
- FIDIC Americas Conference 'Successfully Resolving International Disputes under FIDIC' New York, 4th October 2012;
- 'Construction Risk Management for Major Projects' Joint Marsh/K&L Gates Conference Dubai, 26 September 2012;
- 'Successfully Resolving International Construction Disputes' Arbitration Club, 2 October 2012
- NEC LinkedIn Conference 'When it all goes wrong: A spirit of mutual mistrust and non-cooperation?' 25 June 2012;
- 'NEC: Compensation Events and Programme' Issues K&L Gates client workshop 7 June 2012; 'NEC: Warranties and Defects' K&L Gates client workshop 24 May 2012;
- 'FIDIC Claims: Time Bars and Documentation' FIDIC Regional Conference Warsaw 26-27 April 2012;
- 'Construction Act Amendments: Payment and Adjudication' K&L Gates client workshop 22 September 2011;
- 'Limitations of Liability: Recent Case Law' K&L Gates seminar 29 March 2011;
- 'NEC: Compensation Events and Design Issues' K&L Gates client workshop 22 March 2011;
- C5 2nd Offshore Energy Insurance Forum 'Risk Allocation and Insurance Provisions in Offshore Construction and Drilling/Well Services Contracts' 15-16 June 2011;
- 'Offshore Construction All Risks Insurance: Contractual and Coverage Issues' Joint Indecs/K&L Gates Conference 19 May 2011;
- 'Construction Insurance' K&L Gates seminar 25 May 2010;
- 'NEC Contract Skills: Administration and Management of Compensation Events under the NEC' K&L Gates client workshop 15 September 2010;
- 'NEC Contracts: Commercial Items and Defects' K&L Gates client workshop 1 September 2010; 'Understanding the Balance of Risk under the NEC' K&L Gates Seminar October 2010.

EDUCATION

- LSF, College of Law, London, 1993
- CPE, College of Law, London, 1992
- B.Sc., University of Bristol, 1991 *(Hons)*

ADMISSIONS

- Solicitor of the Senior Courts of England and Wales

THOUGHT LEADERSHIP *POWERED BY HUB*

- 21 September 2026, United States Opens a New Chapter in Civil Nuclear Cooperation With the Kingdom of Saudi Arabia
- 8 December 2025, 2025 in Review: International Nuclear Energy Updates
- 30 October 2025, US Government Announces Historic $80 Billion Nuclear Partnership With Westinghouse Electric Company, Cameco Corporation, and Brookfield Asset Management to Construct AP1000 Reactor Fleet
- 16 June 2025, URS v. BDW [2025]: Supreme Court Confirms Consultants' Duty to Developers for Historic Defects
- September 2024, NEC People Conference, London 2024 with Matthew Smith and Nicola Ellis
- May 2023, Strategies for Success in Navigating Delay and Quantum Issues in International Construction Arbitration in a Changing World
- 29 July 2020, COVID-19: The New Normal, Social Distancing on Site, and Other Pandemic Problems
- 6 April 2020, COVID-19: UK Public Sector Construction - Cabinet Office publishes FAQs regarding PPN02/20
- 18 September 2019, Infrastructure Disputes: What the Future Holds For Us
- 16 October 2018, Presentation Available: Mega Project Management
- 5 July 2017, NEC4 - The Next Generation
- 3 August 2016, Brexit Q&A Conference Call (3)
- 1 July 2016, Brexit: Construction & Engineering
- 2 November 2015, EPC Contracting Issues in the Oil & Gas Industry

OTHER PUBLICATIONS

Matthew contributed several chapters to *Construction Insurance and UK Construction Contracts* (Second Edition), published by Informa in September 2008. He has published articles in journals on a range of matters including the NEC, construction insurance and health and safety issues.

NEWS & EVENTS

- 15 October 2026, K&L Gates Practices, Lawyers Recognised in *Chambers UK* 2027 Guide
- 30 September 2026, K&L Gates Practices, Lawyers Recognised in *The Legal 500 United Kingdom* 2027 Edition
- 16 October 2025, K&L Gates Practices, Lawyers Recognised in *Chambers UK* 2026 Guide
- 1 October 2025, K&L Gates Practices, Lawyers Recognised in *The Legal 500 United Kingdom* 2026 Edition
- 26 September 2025, Global EPC Project Management Summit London 2025, Hosted by OPEX Group
- 17 October 2024, K&L Gates Ranked in *Chambers UK* 2025 Guide
- 25 April 2024, "Under the Wire" CLE Seminar-Navigating International Waters: Cross-Border M&A, International Arbitration, and Construction Disputes
- 19 October 2023, K&L Gates Ranked in *Chambers UK* 2024 Guide
- 4 October 2023, K&L Gates Practices, Lawyers Recognized in *The Legal 500 UK* 2024 Edition
- 24 October 2022, K&L Gates Recognized in *Chambers UK* 2023 Guide
- 30 September 2022, K&L Gates Ranked in 30 Categories in *The Legal 500 UK* 2023 Edition
- 3 November 2021, K&L Gates, Lawyers Recognized in 2022 Chambers UK Guide
- 6 October 2021, K&L Gates Ranked in Nearly 30 Categories in the 2022 Legal 500 UK Guide
- 10 July 2020, K&L Gates Energy, Infrastructure and Resources Practice Ranked by The Legal 500 United States 2020 Guide in Eight Categories with 28 Lawyers Recommended
- 26 May 2016, K&L Gates, Lawyers Earn Honors in Chambers Global, Regional Guides
- 6 May 2015, K&L Gates, Lawyers Recognized as Leaders in Chambers Global Guides

AREAS OF FOCUS

- Construction and Infrastructure
- Construction and Infrastructure Dispute Resolution
- Insurance Recovery and Counseling

- International Arbitration

INDUSTRIES

- Energy
- Liquefied Natural Gas
- Nuclear Energy
- Oil and Gas
- Transportation and Logistics

REPRESENTATIVE EXPERIENCE

Rail

- Preparing supplemental agreements amending the NEC3 contracts for a circa £1 billion CBTC rail signalling project.
- Advising a light rail operator on a complex dispute with the contractor relating to claims for delay and disruption on a project for the construction of a train maintenance depot and satellite sidings. The dispute involved complex issues relating to access to the site and entitlement to the related compensation events.
- Advising an international consultant in relation to three projects on the East Link Extension program in Seattle, Washington.
- Advising a global provider of transport solutions in relation to potential claims against the contractor working at three of their major train maintenance centres relating to defective fueling and pumping systems.
- Advising on a high-profile railway construction project in respect of disputes with the contractor responsible for the design and construction of a train station as part of a project. One dispute related to a supplemental agreement to an NEC 3 Option C contract and relates to whether certain costs were included within the settled sum under the supplemental agreement.
- Advising a member of the contractor consortium on a dispute relating to the Haramain High Speed Rail project in the Kingdom of Saudi Arabia, also known as the Western railway or Mecca–Medina high-speed railway, a 453-kilometre-long (281 mile) high-speed rail.
- Advising a rapid transit system network on a £35 million dispute and adjudication in relation to disputed compensation event assessments. We advised on contract documentation, based on amended NEC3 Option C contracts. This was a complex, high-value dispute with multiple geotechnical, delay, quantum, and legal issues and required the compilation of significant witness and expert evidence.
- Advising a rapid transit system network on the second of two adjudications concerning disputes arising under a NEC3 Option A contract involving power upgrades at eight substations on the rail network relating to

changes to the works information and associated time and cost claims. The adjudicator found in our client's favour.

- Advising a light rail operator in relation to a dispute with a contractor, which led to an adjudication. The dispute concerned claims for compensation events under an incentivized target price contract relating to permanent way sidings in connection with a major rail upgrade project.
- Advising a state-owned railway company, working closely with their expatriate technical and commercial teams, developing contract documents to suit the client's specific needs on the major QAR36 billion metro project in Qatar. A key part of our involvement was to develop the provisions and procedures for the supply systems and integration and maintenance contract dealing with maintenance and operation of the assets after they had entered revenue service (rolling stock, track, CBTC signalling system, power, telecommunications, and security systems). We also subsequently advised the client throughout the tender process, assisting in evaluating tender returns.
- Advising a state-owned railway company on developing the contractual framework for the KPR performance regime and fault attribution rules for the rail systems operation and maintenance contracts for the Doha Metro Project.
- Advising a state-owned railway company on a framework agreement and call-off conditions for the design, supply, installation, and maintenance of elevators and escalators across the network for the Doha Metro Project using a modified FIDIC Yellow Book for the call-off conditions.
- Advising a rail authority on the construction of an extension to a metro project in Malaysia. We advised on and drafted the complex turnkey contract and related documentation for the engineering, procurement, construction, testing, and commissioning of tunnels, viaducts, stations, depots, track works, rolling stock, signalling, power supply, and other associated works forming part of the tender documents for the project.
- Advising a rail authority on the turnkey contract for the design and construction of a light rail project in Southeast Asia converting an existing arrangement with a project delivery partner into a turnkey arrangement using an amended FIDIC Silver Book.
- Advising a rail authority in relation to the novation of its signalling contracts and ancillary documentation with the CBTC systems contractor.
- Acting for a rail authority in a dispute in relation to a major station project. The dispute arose out of an NEC 3 Option C contract. We assisted with the preparation of the claim.
- Advising on drafting and negotiation of supplemental agreements to numerous systems works contracts for a major US$20 billion rail project.
- Representing a rail authority in a dispute with the main contractor responsible for the design and construction of a station project in London. The dispute arises out of an NEC 3, Option C contract.
- Advising a major rail provider on, and drafting all contract documents for, a cost-reimbursable target cost contract for a CBTC signalling upgrade contract.

International Arbitration

- Representing an international firm of consulting engineers and architects in an ICC arbitration involving claims in the total amount of around US$800 million relating to the design and construction of two self-anchored suspension bridges.
- Acting for a contractor on a Singapore-seated arbitration under SIAC rules relating to the refurbishment of an FPSO vessel.
- Representing a global EPC contractor in multibillion-dollar ICC arbitration involving the design and construction of one of the largest refineries in Latin America.
- Acting for the owner on a LCIA-administered, London-seated arbitration relating to claims for additional payment under a five-year cost reimbursable agreement for logistics and spares in connection with a major energy project in Sub-Saharan Africa.

Construction

- Advising on an alliancing agreement in relation to maintenance of a road network.
- Preparing a two-stage contract and associated ancillary contractors for a substantial new bridge project.
- Providing legal advice to a UK light rail authority on a circa £242 million escalator project to replace up to 51 existing escalators currently maintained by their in-house organisation.
- Providing legal advice to a UK light rail authority on an escalators management programme (circa £422 million).
- Providing legal advice to a UK rail authority on the procurement of lift maintenance through a single supplier contract and lift manufacture/replacement through a mini competition under a multisupplier framework agreement.
- Preparation and negotiation of a framework agreement; advice on the tender for the operation and maintenance of the road systems in Qatar.
- Advising on restructuring an existing £1 billion infrastructure project using a cost-reimbursable target cost contract and drafting and negotiating supplemental agreements amending the contract.
- Acting for a cement manufacturer in an arbitration relating to late completion of a cement works in Nigeria constructed under a FIDIC Red Book contract.
- Advising a contractor on various FIDIC Red Book contracts for a substantial land reclamation project in Panama.
- Advising on a major US$400 million mixed-use project in Sri Lanka including 5-star hotel, residential, commercial, and retail units using the FIDIC Red Book and associated FIDIC White Book, subconsultants' appointments, and subcontracts.
- Acting for an energy company in relation to claims by contractors for loss and expense under FIDIC Yellow and Red books. The dispute concerned a project to construct an ethanol and cogeneration plant in Mozambique.

- Advising a joint venture between two major contractors on various multimillion-pound disputes with the employer, the electrical, and the mechanical sub-contractors involving both adjudications and proceedings concerning the major refurbishment of a hotel.
- Acting for a multidisciplinary consultant in a multimillion-dollar dispute through the Qatari Courts relating to an infrastructure project. The dispute was the first in Qatar to involve the appointment of a court-appointed technical committee, including international engineering experts.

Adjudication

- Advising a developer regarding disputes with its contractor in relation to a residential development project. We secured a successful outcome for the client both in an adjudication commenced for the recovery of LDs and a subsequent summary judgment application for enforcement of the decision.
- Representing a rail authority regarding a dispute in adjudication relating to geotechnical issues and site investigation for a new station project in Central London.
- Advising an oil and gas contractor in a series of disputes under an NEC ECC Option C contract for a project to convert underground salt caverns for use as gas-storage facilities and a subsequent successful adjudication.
- Representing a rail authority in a dispute in relation to delays caused by substructure issues on a major extension project.
- Successfully defended a rail authority in an adjudication in relation to a rolling stock performance; the claim was dismissed, and the referring party was ordered to pay the responding party's costs.
- Acting for a rail authority in a substantial adjudication under an NEC Option C contract. The dispute concerned claims by the contractor under an NEC3 ECC form of contract for compensation events and extensions of time in relation to works in and around a depot and sidings.

Nuclear

- Advising a contractor on a new-build nuclear project in the Netherlands.
- Advising on a uranium supply agreement and bridging agreement for a new-build nuclear project in Eastern Europe.
- Representing a nuclear technology provider in relation to a tender for a nuclear project in the Czech Republic, including advising on the tender procurement stage and EU public procurement.
- Representing a nuclear technology provider in relation to a tender for a nuclear project in Bulgaria and the structure of the EPC contract.
- Advising a contractor on the contracting structure and consortium arrangements for its nuclear projects across Europe.
- Advising on NEC contracts relating to a Small Modular Reactor project.

- Acting for a subcontractor drafting and negotiating a subcontract for a nuclear power plant project in Eastern Europe; advising on all aspects of the subcontract, including nuclear liability.
- Advising on a dispute in relation to a facility for manufacturing nuclear PWR reactor cores for nuclear submarines.
- Representing a leading nuclear technology provider in relation to a new-build nuclear project in Poland. Leading the team, advised on all aspects of the project from EU public procurement, technology IP, and regulatory to nuclear liability and structuring the EPC contracts.
- Advising on appointments for technical and engineering-support services in relation to a project for design, manufacture, installation, and construction of NSSS and I&C systems for two EPR nuclear power plants in Finland. The contracts were governed by French law and advice included third-party liability risks under French law and specifically the French nuclear liability regime.

Oil and Gas Pipelines

- Advising on and negotiating the EPC contract and ancillary contracts for a multibillion-dollar gas pipeline project and compressor stations in Kazakhstan.
- Acting for a contractor, preparing and negotiating EPC contracts for a €30 million project to supply pipes for an oil pipeline.

Electricity Generation and Transmission

- Advising on a €1 billion HVDC project for subsea cabling using the FIDIC Silver Book EPCT contract, including drafting subcontract forms.
- Legal advice to a utility contractor in relation to a dispute related to delays to an electrical substation project in Scotland.
- Acting for a utility contractor in relation to a potential dispute with the employer concerning a combined-cycle gas power plant. This will be the largest gas power plant in Latin America.

Expert Determination

- Advising a main contractor on an expert determination in relation to main contract and domestic contra charges levied against a subcontractor.
- Advising the contractor consortium on a major project in Saudi Arabia for the development of a new seawater desalination plant, potable water storage facilities and associated infrastructure, and facilities, including a solar power plant. Successfully resolving the expert determination in his client's favour.
- Acting for administrators in a significant-value expert determination relating to a school's project.

Airports

- Representing a subcontractor in respect of a complex high-value arbitration worth US$1 billion in relation to mechanical, electrical, and specialist airport services works at a major airport in the Middle East, a matter that is complicated by matters of insolvency.

- Representing a contractor in structuring maintenance and operation contracts for a multiyear investment plan for an airport terminal in the United Kingdom; advising on NEC-based contract forms for the supply chain for their contracts in relation to the Heathrow asset renewal and maintenance projects.
- Advising a main contractor in relation to defects claims concerning an EPC contract to complete an airport terminal in Abu Dhabi.

Insurance Coverage

- Acting for a mining company in relation to a coverage dispute with CAR insurers in the London market concerning defects and damage to smelting vats at a copper mine in Peru.
- Acting for a rail authority in relation to a claim under the CAR section of its OCIP insurance programme for damage to the station works during construction pre-handover.
- Acting for an NOC in relation to a coverage claim under the EAR policy concerning various insured incidents causing damage to an LNG plant.
- Representing a rail authority in relation to a claim made under an owner-controlled insurance programme issued to the rail authority for a major light rail project in the Middle East.
- Acting for a joint venture in proceedings against an insolvent firm of mechanical and electrical engineers and six different insurers'. The joint venture sought declarations in relation to the insurers reservation of rights concerning the coverage provided by primary and excess-layer insurance policies.
- Advice regarding possible claims under construction insurance policies, including PI and contractors' all-risks coverage.

Wind Farms

- Advising a contractor regarding the potential dispute in relation to a wind farm in Scotland.
- Legal advice to an operation and maintenance contractor on the maintenance services contracts for several wind farms in the United Kingdom, including availability adjustments, KPIs, and the associated Power Purchase agreements.

Technology IP and License Agreements

- Advising on a license agreement for training simulators in relation to an LNG plant.
- Advising on a process technology license agreement for a proprietary LNG liquefaction technology in connection with a new-build LNG plant.
- Legal advice in relation to fraud/theft of technology IP.
- Acting for the owner of a new carbon reduction technology, advising on the terms for a license agreement and the design and construction of a test project.

LNG

- Advising an offtaker in a multibillion-dollar ICC arbitration in relation to a dispute concerning delays to commencement of commercial operations under an offtake agreement for a major multitrain liquefaction plant project in the United States.
- Advising a project owner on issues arising from change proposals to EPC contracts for an LNG facility relating to plant modifications to increase LNG production capacity and deal with anticipated future feed-gas scenarios.
- Acting for the employer (being a consortium between several major international oil companies and an NOC) in a dispute with an international EPC contractor concerning delays to the startup, commissioning, and handover of a US$9 billion liquefaction project. The dispute related to the failure of the plant to comply with performance guarantees arising from defective design.
- Advising on offshore and onshore engineering, procurement, and construction contracts for a major US$10 billion gas liquefaction project in Angola.

Ports and Ferry Terminals

- Advising on a new passenger ferry crossing project, including pier construction, terminal, and electric ferry supply agreements.
- Advising on the concession agreement and construction documents for a major ferry terminal project in Zanzibar.
- Drafting and advising on the concession agreements and construction documents for a major waterfront regeneration scheme in Tanzania.

Bridges

- Advising on a substantial claim in the local courts and an associated arbitration relating to self-anchored suspension bridges.