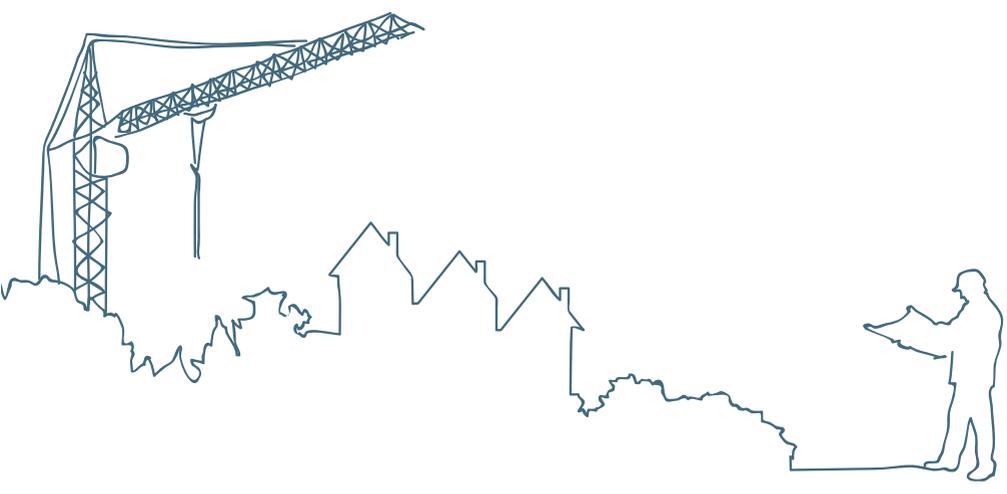
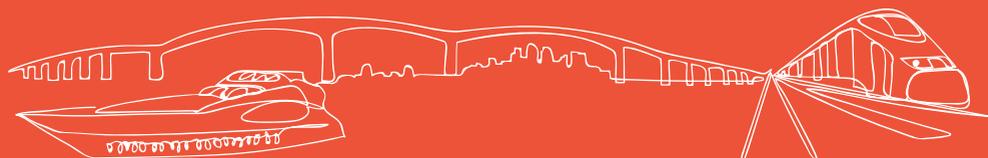


# Specialist advice for the construction sector



“Outstanding level of knowledge of the construction sector and fantastic customer service, aligned with considered and cost-effective advice.”

Chambers UK



“Their service cannot be faulted, and throughout, they went above and beyond.”

Client

### **Our distinctive approach**

Construction and engineering projects are rarely the same, and are often complex. As a result, they need specialist and experienced lawyers, who understand and adapt to the day to day opportunities and challenges facing those in the construction industry.

As a team of true specialists, we meet that need. We understand how best to work collaboratively with everyone involved in your project. By offering you pragmatic, practical, and cost-effective advice, you can secure positive outcomes on your projects.

### **Our service philosophy**

As well as our technical experience, we understand that the financial realities of your projects make effective cost control vital. We ensure that we understand your requirements and agree a scope of work to address your key objectives. We work cost effectively and give you clear costs control, including the option of fixed fee services wherever possible.

### **Your business law needs**

Your dedicated client relationship manager from our construction & engineering team will familiarise themselves with your wider business law needs and manage your relationship with lawyers from across our commercial group. Where the need arises, they will be able to help you in relation to issues relating to:

- Commercial property / development
- Planning law
- Property disputes
- Employment law
- Corporate structures and transactions
- Commercial agreements and dispute resolution

They can also introduce you to the lawyers in our Private Client team, should you require assistance in relation to your personal affairs.

“Working closely with our Project Manager, Chris Whittington provided clear, practical and commercial advice and drafting, always responding promptly to our needs.”

Client

## Project documentation

We advise on all aspects of project documentation. Ideally we are involved at the pre-tender stage to ensure that all tenderers quote against (and prices are negotiated upon) the same footing.

Where documentation has been prepared by others, we identify key areas of potential risk and make pragmatic suggestions as to where focused alterations will enhance your position.

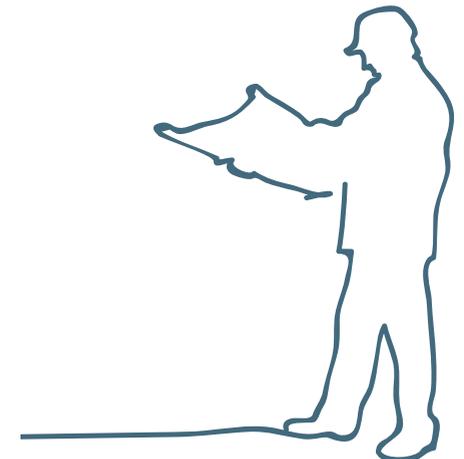
We can help you determine the most appropriate procurement route for your project (e.g. whether on a works only or design and build basis) and the best ancillary documentation required to create a comprehensive and robust project structure.

### Our services include:

- Full advice as to the most effective project structure
- Negotiating, drafting and amendments to standard form contracts
- Specialist drafting of bespoke building and engineering contracts for complex projects
- Negotiating and drafting consultants’ appointments and deeds of novation
- Negotiating and drafting related documentation. This includes letters of intent, performance bonds, parent company guarantees and retention bonds
- Negotiating and drafting collateral warranties in favour of developers, funders, tenants etc
- Drafting “multi project” documentation for use across multiple projects

### Client success stories:

- Advising professional services businesses (accountants, law firms) on the most appropriate procurement route. Helping to draft ancillary documentation for the construction of bespoke new offices. Ensuring the operational needs of the business and the value of development assets were maximised.
- Advising banks and funders in reviewing and implementing appropriate project documentation. Reducing exposure to risk, protecting their interests and ensure appropriate step-in rights should the need arise
- Advising in relation to multi-million pound high end residential refurbishment and alteration projects
- Advising in relation to school building and student accommodation projects
- Advising in relation to the fit out of major chill store warehousing facilities. We helped ensure appropriate terms were in place to deal with the highly specialist nature of the works
- Advising in relation to the full suite of construction documents for a major London hotel refurbishment project funded by overseas investment



“Having worked with a number of firms, I can honestly say that Thomson Snell & Passmore have been easily the best and most supportive. Suffice it to say if I am asked for a recommendation, it is Thomson Snell & Passmore I give.”

Client / referrer

## Project support

Once a project is underway, we can help ensure that the contractual terms in place are used effectively to safeguard your position and reduce risk. We aim to minimise the risk of a problem escalating into a dispute.

We ensure that you are fully aware of the nature and extent of the obligations under the contract, particularly in relation to key contract terms that are commonly misunderstood or misapplied. These often arise in relation to interim valuation / payment disputes and associated rights to suspend works, or dealing with variations or delays.

### Our services include:

- Post contract completion procedures after execution of the building contract. This can include setting up processes on site to ensure all parties involved during the construction phase are familiar with the relevant terms and what is required of each team member
- Dealing with issues arising on contracts, sub-contracts and appointments during construction
- Commercial negotiations and settlement of issues that may arise
- Advice and negotiations in relation to potential suspension of works or termination of contracts. This can include negotiation of amended terms
- Assistance with preparing or responding to delay related claims and associated negotiations
- Liaison with and identification of suitable experts to resolve technical issues affecting the project

### Client success stories:

- Negotiating with the suppliers of an insolvent merchant to secure the immediate direct delivery of remaining installments of bespoke radial cut stone for a prestigious London development
- Negotiating with a local authority to secure access for a contractor whose services had been improperly suspended and obtaining their agreement to additional works to enable the project to proceed
- Advising on notices of intention to suspend works to secure overdue interim payments
- Advising in relation to preliminary termination notices to break the deadlock and enable completion of the project.

“We had a great deal of confidence in Chris Kirby-Turner and his team. He is the most proactive, amenable, friendly solicitor we have had the pleasure to work with and together we worked through what became a very complex case to a very successful negotiated outcome.”

Client

## Dispute resolution

The vast majority of construction disputes can be resolved at an early stage without recourse to formal legal processes. This is most successful when tackled appropriately before disputes have escalated or had knock on impacts upon other elements of the works.

Our experience in handling disputes enables us to identify at the outset the most appropriate way of tackling the dispute. Our aim is to contain its scope and minimise its impact on your project or your business. We do this by adopting an entirely bespoke and pragmatic approach, recognising that the dynamics of each project and those involved within it will differ significantly, quite apart from any technical questions that may be at hand.

Where an impasse needs to be broken, we are regularly instructed to commence or defend adjudications and deal with their enforcement.

### Our services include:

- Advising on interim and final account payment disputes, retentions, “pay-less” notices, etc
- Resolving disputes about alleged design defects, including professional negligence claims
- Dealing with workmanship disputes
- Advising on claims for loss and expense, delay or extensions of time
- Commercial negotiations in line with the Pre Action Protocol for Construction & Engineering Disputes
- Technology & Construction Court (TCC) and county court litigation
- Adjudications (whether on a full service or support service basis)
- Arbitrations
- Alternative dispute resolution, including mediation and expert determination

“Chris Kirby-Turner prepared the case meticulously... but more important than his careful and detailed preparation was his unflinching calm and unflappable good humour.”

Counsel, 4 Pump Court

### Client success stories:

- Mediated outcome to a highly technical multi-party dispute. This concerned the failure of a major piled wall during the construction of a prestigious coastal development. Our help enabled its highly successful completion, despite the main contractor’s insolvency.
- Negotiated outcome to a technical dispute affecting a school tennis centre. Our recommendation of a radar survey successfully identified the mode of failure without undertaking destructive opening up works.
- Mediated outcome to a multi-party dispute concerning defective design elements in a major listed barn conversion.
- Dealing with “smash and grab” interim payment and major final account adjudications as Referring Party or Responding Party.
- Providing adjudication support in relation to technical challenges raised on procedural matters and the adjudicator’s decision.
- Negotiating settlement for The Royal British Legion of a major TCC claim. The dispute related to its refurbishment of a large care home facility with new specialist dementia care facility.





## Our key people

Our construction and engineering team has been consistently recognised and highly praised by leading independent legal directory Chambers UK. They describe the “highly regarded team” as offering “an outstanding level of knowledge of the construction sector and fantastic customer service, aligned with considered and cost-effective advice.”

Chambers UK further recognise as leading individuals our key team members:



Chris Whittington is “very experienced – he makes sure we think of things that we wouldn’t have thought of.”

Chambers UK



Chris Kirby-Turner “receives market recognition for his strong dispute resolution practice, including ADR [alternative dispute resolutions] process.”

Chambers UK

If you would like further information about the team or to discuss areas where we may be able to assist you, please feel free to contact our key individuals directly.



**Chris Whittington**  
Head of Construction  
& Engineering  
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[chris.whittington@ts-p.co.uk](mailto:chris.whittington@ts-p.co.uk)



**Chris Kirby-Turner**  
Partner  
T 01322 623705  
[chris.kirby-turner@ts-p.co.uk](mailto:chris.kirby-turner@ts-p.co.uk)

Clients describe him as “client-focused, hard working and he delivers a quality outcome” and also praised his “practical, common-sense advice.”

Chambers UK

Clients praise his “knowledge of industry practice and sensible approach to case management” and his “straightforward and practical approach.”

Chambers UK

**Chris Whittington** has specialised in construction matters since 1986 and heads up our construction and engineering team. He has a wealth of experience in advising on procurement methods. Chris is extremely experienced in drafting, vetting and negotiating building and engineering contracts, professional appointments and ancillary construction documentation on a diverse range of projects. His experience includes specialist warehousing, retail fit out, hotels, schools, care homes, residential development and high end residential projects. Chris’s experience enables him to ensure that all necessary project documentation is in place and its ramifications properly understood. His work ensures documentation adds maximum value. He is able to tailor documents to the project and the client’s key wider short and longer term objectives. Chris also deals with adjudication, litigation and arbitrations. He chairs the firm’s highly regarded Property & Construction Club quarterly networking breakfasts.

**Chris Kirby-Turner** has specialised in construction matters since joining the team in 2008. He deals with a full range of dispute resolution matters. His work ranges from adjudicating disputed interim applications / final accounts / defects / delay claims to highly technical multi-party professional negligence disputes in the Technology & Construction Court of the High Court. Chris has considerable experience in dealing with claims against professional indemnity insurers and administrators of insolvent companies. Chris is an experienced negotiator and settles many disputes at an early stage. He makes extensive use of alternative dispute resolution procedures including mediation and expert determination.

“They excel technically, are superb tactically and have local knowledge and a complete understanding of our business.”

Chambers UK

## Your wider legal needs

As well as our specialist construction law services, Thomson Snell & Passmore can offer you a full spectrum of commercial and private client services. We work with you to build a lasting relationship, giving us an in-depth understanding of your organisation and business objectives so that we can provide insightful, commercially focused solutions.

Dedicated members of our commercial group departments focus on the construction sector, applying the law intelligently and with knowledge of the opportunities and challenges facing those in the sector.

## Property Development

Whether you're dealing solely as a contractor or are acting as developer or under a joint venture agreement, our experienced property development team can provide you with specialist expertise. You may be entering a joint venture or developing a strategy for land acquisition. Our property development team work closely with our construction team to advise you on areas including:

- Purchase of land for development
- Infrastructure agreements
- Site assembly
- Land Promotion
- Plot sales/new homes.



**Sarah Easton**  
Partner  
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[sarah.easton@ts-p.co.uk](mailto:sarah.easton@ts-p.co.uk)



**Kate Turnham**  
Partner  
T 01892 701166  
[kate.turnham@ts-p.co.uk](mailto:kate.turnham@ts-p.co.uk)

“They always look to provide a service that meets the needs of the organisation. A no-nonsense approach. The lawyers are open and frank, but very clever in terms of their strategy.”

Chambers UK

## Commercial Property

Wherever you sit in the construction process, from time to time you may need the assistance from commercial property lawyers. Our experienced team can advise you through the process of buying or selling land. You may be dealing with complex planning applications or require support securing funding. Our team offer you practical and tailored advice on subjects such as:

- Property portfolio advice
- Leases and agreements for lease
- Landlord and tenant
- Secured lending.



**Richard Ellard**  
Partner  
T 01892 701268  
[richard.ellard@ts-p.co.uk](mailto:richard.ellard@ts-p.co.uk)

## Property disputes

If not handled carefully, property disputes can cause disruption on your construction projects. Using experienced lawyers will help you resolve disputes quickly and efficiently. We understand the importance of maintaining business relationships and avoiding commercial disruption. We can assist on issues including:

- Property disputes – easements, restrictive covenants, rights of common, boundary disputes, adverse possession claims, trespassers and squatters and nuisance
- Disputes arising from development agreements
- Landlord and tenant disputes (commercial and residential).



**Mark Stegges**  
Partner  
T 01892 701273  
[mark.steggles@ts-p.co.uk](mailto:mark.steggles@ts-p.co.uk)

“Wonderful interaction between the various experts who pull together to provide a fantastic service.”

Chambers UK

## Planning law

At any time in a project, planning issues can crop up, causing often unforeseen delays and complications. We are here to help you overcome those hurdles and facilitate the smooth progress of your project. We can assist on issues including:

- Drafting and negotiation of section 106 agreements / developer contributions
- Community Infrastructure Levy Regulations
- Compulsory Purchaser Orders
- Issues in relation to listed buildings and heritage assets
- Contentious planning matters – including enforcement, appeals, injunctions, judicial review.



**Kate Jardine**  
Senior Associate  
T 01892 701310  
[kate.jardine@ts-p.co.uk](mailto:kate.jardine@ts-p.co.uk)

## Employment and HR Issues

Employment and HR issues are a key concern to any business in the sector, particularly given the challenging conditions for employers attracting and retaining staff and the care required to ensure arrangements with subcontractors do not fall foul of regulations in relation to “workers”. Our employment team can provide a range of support, including:

- Review and drafting of terms, conditions, policies and procedures
- Annual fixed price advice and support telephone line
- Employment insurance protection
- Resolution of employment and workplace disputes
- Handling of employment tribunal claims.



**Nick Hobden**  
Partner  
T 01322 422540  
[nick.hobden@ts-p.co.uk](mailto:nick.hobden@ts-p.co.uk)

“They have an exceptional team. I have yet to meet an individual at the firm who falls below the high standards they set themselves and provide to their clients.”

Chambers UK

## Corporate transactions and commercial agreements

By understanding your business and commercial strategy, we can provide sector specific advice. You may need help to sell your business, acquire a competitor, restructure your share capital, manage a group restructuring or raise finance. We'll ensure the best outcome, tailored to suit you:

- Exit and succession planning
- Mergers, acquisitions, disposals, management buy-outs/ins
- Banking and finance transactions
- Company law and corporate governance advice
- Banking and finance transactions
- Negotiation and drafting of commercial contracts
- Intellectual property, IT and data protection issues.



**Faye Cook**  
Partner  
T 01322 422549  
[faye.cook@ts-p.co.uk](mailto:faye.cook@ts-p.co.uk)

## Commercial dispute resolution

Despite your best efforts, sometimes disputes under commercial contracts or as a result of regulatory issues are unavoidable. Should you find yourself in such a dispute, you'll no doubt be looking for pragmatic and sensible advice on the best way to proceed. We can help you through the process and minimise the risk of disruption to your business. We can assist with:

- Resolution of commercial disputes
- Competition law issues
- Debt collection
- Insolvency and restructuring
- Planning, environmental and compulsory purchase.



**Douglas Skilton**  
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It's a common sense approach that's surprisingly uncommon.

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