

Beale & Company in the Middle East



2015



Beale & Company

London | Bristol | Dublin | Dubai

Supporting you in the Middle East

“at the top of the technology and construction market”

Chambers UK

Founded over 175 years ago, Beale & Company is a leading specialist law firm in the **construction, power, infrastructure** and **insurance** sectors.

We have advised on major projects in the Middle East and Africa for many years. In May 2015 we opened our office in the Dubai International Financial Centre (DIFC) to provide enhanced legal support to our clients in the Gulf and to operate as a hub for our work in Africa.

In recent years many of our clients have focused on the Middle East as part of their international development strategies. The rapid growth in the region has provided extensive opportunities for local and overseas contractors, consultants and developers as well as insurance providers.

Beale & Company are on the ground to support our clients with these opportunities. We are currently working on projects in Abu Dhabi, Egypt, Dubai, Iraq, Jordan, Kuwait, Lebanon, Libya, Qatar, Oman and Saudi Arabia.

Anthony Wilson, an experienced international arbitration lawyer, heads up our Dubai office alongside other registered legal consultants. Our partners are supported by a team of lawyers delivering our core services of dispute avoidance and resolution, international arbitration, project advisory and insurance and claims services.

Our service is based on working out the best strategy to serve our client's interests with the dual goals of achieving a successful outcome at a reasonable cost. It takes experienced Partners to be able to do this. We integrate your resources with our resources and together with experts and barristers, provide an efficient team.





Recognition and Awards

The team has a strong focus on international work particularly in the Middle East and Africa

Chambers and Partners

Very effective and client-focused. Clear analysis of the issues, proactive approach, excellent alignment with the needs of the client

Chambers and Partners

'Highly Commended' at the British Expertise International Business Awards (SME) 2014

The level of service is second to none. We get fantastic turnaround times with regard to all aspects of the service

Chambers and Partners

70% of Partners ranked as leading lawyers in the fields of construction and professional indemnity work in the Legal 500 and Chambers and Partners





Key Strengths

Middle East focus

Leading construction and power, international arbitration, and insurance lawyers advising on projects in the Middle East for over **ten years**. We have significant experience of civil legal systems in the region.

Leaders in construction

Lawyers who have worked in some of the most renowned international construction practices dealing with **significant building and engineering projects and high-value disputes**.

Solutions driven

We endeavour to understand your business and work with you to resolve commercial and legal issues by providing **clear and unambiguous advice to achieve a successful outcome at a reasonable cost**.

Partner-led

All our matters are Partner-led. We staff cases with a **high ratio of senior to junior lawyers** whilst maintaining our competitive fee structure. We source the right counsel and experts to provide an efficient team.

Cost control

We provide some of the most **competitive rates and innovative fee arrangements** for any dedicated construction and insurance team in the Middle East and Africa. For disputes work where it is appropriate we **conduct our own advocacy** and for contract advice we have a **discounted and rapid contract review service**.



Expertise

Contracts and Project Advisory

We have provided contractual advice and projects advisory support on some of the most significant projects in the Middle East, and have experience of advising construction professionals, contractors, employers, operators and investors across a variety of sectors.

We advise on all front-end aspects of construction, power and infrastructure projects in the region, including carrying out contract reviews, preparing and amending contract documentation, providing bid support in relation to competitive tenders, providing support during contract negotiations, and concluding contractual arrangements. We also advise on project/contractual issues during project delivery, such as in relation to variations, payment and entitlement.

Our Contracts and Project Advisory Team is aware of what the market will agree to in construction, engineering and infrastructure projects in the Middle East and the typical risks and potential liabilities which need to be managed by contracting parties. It also has significant experience of civil legal systems in the region, including advising on the UAE and Qatari Civil Codes and the laws in Saudi Arabia.

Whilst bespoke contractual documentation in the Middle East is prevalent, particularly in respect of projects procured by government-related entities, we have a detailed understanding of international standard forms of contract, including FIDIC. One of our international partners, Ben Mellors, co-authored "[FIDIC Contracts: Law and Practice](#)" which was published by Informa in 2009 and is one of the leading textbooks on these of contract.

Beale & Company operates a discounted and rapid [contract review service](#) for contract reviews and ad hoc advice for projects in the Middle East.



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Experience

Advising a design and fit out contractor in relation to a number of major construction projects in KSA, including the **Redevelopment of King Abdulaziz International Airport**. The work has involved drafting and negotiating bespoke design consultancy agreements, and supply and installation contracts including a main contract based on the FIDIC Red Book and a Sub-Contract based on the FIDIC Sub-Contract.

Advising in relation to the construction of **Residential Tower, Najmat Abu Dhabi, Al Reem Island, Abu Dhabi, UAE**; advice included advising in relation to a contractor's tender and in particular the contractual documentation, which entailed a heavily amended FIDIC Red Book.

Acting for an international architect in relation to design services to be provided in respect of **Dubai Football Stadium**; advice relating to reviewing and advising on the main contract documentation and sub-consultancy arrangements.

Advising one of the largest contractors in the Middle East in relation to its tender for the **Oman National Rail Project, Segment 1** (the Sohar-Buraimi stretch, connecting the Port of Sohar in Oman with Al Buraimi and Khatmat Milaha in the UAE). We also prepared a detailed risk matrix to form a project management tool in respect of delivery.

Advising the contractor in relation to its tender for the construction, operation and maintenance of **The Academic Sports Facilities at Kuwait University in Sabah Al-Salem University City**; the contract conditions were the Government of Kuwait, Ministry of Public Works' standard terms.



International Arbitration and Construction Dispute Resolution

Dispute avoidance and resolution is at the centre of our practice and we are widely recognised for our strengths in this area.

We have considerable experience of handling disputes in the Middle East and Africa. Our lawyers have many years experience in dealing with complex and high value international arbitrations including in the construction, engineering, infrastructure, power and energy sectors and are familiar with all major arbitration rules including ICC, UNCITRAL, LCIA, DIFC-LCIA, DIAC, AAA, ICDR, SCC, SIAC, CRCICA and ICSID. We also have extensive experience of DAB/DRB proceedings, expert determinations, mediations and litigation in a variety of *fora*. We have been instructed to act or advise in a wide range of construction-related disputes including delay and disruption, loss and / or expense, termination, defective design and payment.

We have particular expertise in disputes which are subject to the laws of Middle East jurisdictions. Our lawyers have handled cases subject to the laws of jurisdictions including the following: the UAE (Dubai and Abu Dhabi), Egypt, Oman, Qatar, Jordan, Kuwait, Lebanon and the Kingdom of Saudi Arabia.

Partners in the Firm's Dubai office have extensive experience of advocacy in international arbitration proceedings, expert determinations and DAB/DRB proceedings.



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Experience

Acting for a leading Middle East contractor in **DIAC arbitration proceedings** in the UAE under the law of a GCC state regarding the **construction of a supertall skyscraper**, with an amount in dispute of c. US \$100 million. Matters in dispute include jurisdiction, delay, and valuation of works.

Acting for a **major international power developer** against a Middle Eastern state entity in **UNCITRAL arbitration proceedings** arising under a contract governed by local law with an amount in dispute of c. US \$30 million. Matters in dispute include contract interpretation and quantum of payment due.

Acting for an **international engineering firm** in **ICC arbitration proceedings** in a GCC state arising under a contract governed by local law with an amount in dispute of c. US \$20 million. Matters in dispute include jurisdiction and quantum of payment due.

Advising on a dispute in respect of the procurement, contract and design of an **airspace system for an international airport in the Middle East**. The claim involved allegations of loss profits, moral damage and damage to reputation as a result of an alleged unilateral breach of appointment, whereby the claimant contended it was appointed to act as a 'local agent' as required under local law, to be appointed as a sub-consultant upon award of contract and during the detailed design stage.

Acting for a major Middle Eastern developer in the GCC in *ad hoc* arbitration proceedings under the law of a GCC state against a contractor concerning the construction of a number of residential developments and related infrastructure: matters in dispute include jurisdiction, delay and valuation of works.

Acting for an international civil Engineering firm in a US \$550 million claim relating to the construction of a **container terminal at Port Said** in Egypt.



Construction Insurance

Professional liability claims are a core part of our insurance practice and we have been providing solutions to the construction industry for over 50 years.

We act for and have long-standing relationships with the majority of the top international consultants in the UK, Ireland and US who are active in the Middle East. We have been engaged on some of the most significant construction professional indemnity claims.

Our partner-led team handles a mix of the most demanding, complex and high-value claims, as well as more straightforward and cost sensitive claims - in all cases maintaining their commitment to achieving the best possible outcome for our clients, with whom we form close partnerships. We are recognised in independent legal directories for our established track record of defending claims – the results we have achieved demonstrate our technical capability but also the efficiency of our process.

The Firm's lawyers have extensive experience of advising on: policy wordings; applicable minimum terms; insurance product development; coverage; and all forms of insurance dispute and claims handling from both a claimant and defendant perspective.

We also deal with claims relating to property damage (including pursuing subrogated recoveries for insurers), defective products, CAR and Project Policies and Directors & Officers Insurance.

For several of our clients, we provide an in-house claims handling service, which provides initial support in relation to claims notifications and early advice and strategy.



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Experience

Advising on a **substantial fee claim and professional negligence counterclaim** in connection with the construction of the US \$7.6 billion **Dubai Metro system**, the world's longest driverless and fully automated metro network.

Providing advice in connection with the early-stage handling of **claims against a consultant** involved in the development of the **Dubai Waterfront**. The PI claims included allegations of defective design and supervision and involved issues concerning joint and several liability, decennial liability and a counterclaim for professional fees.

Acting on a US \$35 million **claim for negligent design and delay** caused by the designer on **a port in the UAE**. A number of allegations have been made against the designer including: negligent design of the retaining walls in the dry docks of the port; late provision of design causing the contractor delay; ambiguous drafting of the BoQ which has led to the Contractor taking advantage to claim large sums for additional work that should have been included under the lump sum fixed price.

Acting in an **ICC arbitration** in respect of a fee claim and substantial professional negligence counterclaim in relation to the design of a **mass transportation system in the Middle East**. The claim was specifically in relation to the final detailed design of a number of station enclosures on the mass transportation system, which it was alleged were substantially different to the designs agreed at the tender stage. Settlement reached with the professional negligence allegations being dismissed in their entirety.





Our Team



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“highly experienced and supremely ethical arbitration lawyer”. Clients especially value his “attentive and communicative qualities”.
Chambers and Partners



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*Recommended in the **Legal 500** and co-wrote “FIDIC Contracts: Law and Practice” published by Informa in 2009*



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“specialises in non-contentious matters, ... acting for clients in the Middle East”
Chambers and Partners



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“a very good understanding of technical construction and engineering issues”
Chambers and Partners

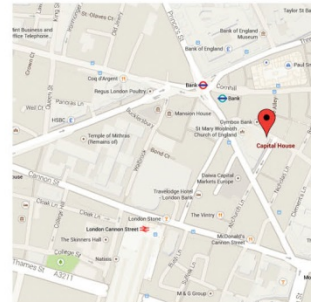




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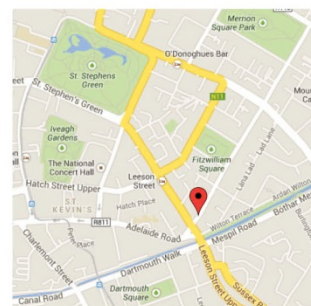
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