

# Construction, Engineering and Infrastructure

With over 50 years' experience in the sector, we are recognised internationally for successfully advising clients across the globe.





“ What you get when you hire the firm are construction lawyers of the highest calibre. ”  
Chambers Global

# Sector Overview

We have been providing specialist legal advice to the construction, engineering and infrastructure sector for over 50 years. As recognised leaders in the legal directories, our lawyers have delivered perceptive, clear and concise advice on some of the most prestigious projects both at home and abroad.

Whether it is the Olympic Stadium, HS2, Crossrail, or the M25 in the UK; wind farm and dispute motorway claims in Ireland; the Metro 2020 in Dubai, Bangkok Airport or the Sual Power Station in the Philippines; we have the dedication, expertise and experience to deal with any problem – however complex.

Our regular contributions to the industry's trade press such as 'Building', 'Transportation Professional' and 'Construction Law' together with our association with professional bodies such as RIBA, the ACE (UK), CIHT, ACEI (Ireland) and Al-Moltaka (Dubai) enables us to keep pace with the rapid technical change and on-going innovation that can impact on both contractual and working practices.

Furthermore, our accessible and responsive teams of lawyers, with extensive experience within the sector, can understand and empathise with all the legal challenges facing our clients and give a positive response to every enquiry.





# Our International reach

We have a long track record in successfully acting for companies all over the world including in Europe, Africa, Australasia, the Middle East and the Far East.

## EUROPE

- 20 FENCHURCH STREET, 'THE WALKIE TALKIE', UK
- BATTERSEA POWER STATION, UK
- RSC ANDERLECHT STADIUM, BELGIUM
- COLOGNE METRO, GERMANY
- SEVERAL AIRPORTS AND PORTS, IRELAND
- WIND FARMS, IRELAND

## AFRICA

- GRAND RABAT THEATRE, MOROCCO
- WORLD TRADE CENTRE, NIGERIA
- DAR ES SALAAM PORT, TANZANIA
- AIRPORT, DJIBOUTI
- POLICE STATIONS, DEMOCRATIC REPUBLIC OF CONGO
- ABUJA TO LAGOS ROAD, NIGERIA

## ASIA

- BANGKOK AIRPORT, THAILAND
- NEW STADIUM BAKU, AZERBAIJAN
- SUAL POWER STATION, PHILIPPINES
- RAIL IMPROVEMENT WORKS, HONG KONG
- REDEVELOPMENT PROJECT, VIETNAM

## MIDDLE EAST

- METRO 2020, DUBAI
- BASRA PORT, IRAQ
- ABU DHABI INTERNATIONAL AIRPORT, ABU DHABI
- CAYAN TOWER, DUBAI
- KSA SPORTS CITY, KSA
- RAS LAFFAN PORT, QATAR

## AUSTRALASIA

- VANUATU SHIPPING PROJECT, VANUATU
- ROAD TUNNEL, AUSTRALIA
- TECHNOLOGY PROJECT, NEW ZEALAND
- DREDGING WORKS, AUSTRALIA
- RAIL TERMINAL PROJECT, AUSTRALIA

## Our services

Our lawyers understand and advise on all aspects of the construction process from beginning to end. Working with construction professionals, contractors, developers, investors, employers and their insurers we offer cost-effective advice focused on finding solutions to difficult problems.

### PROCUREMENT

We are experienced in advising on public procurement under the relevant government regulations and a significant number of our clients tender for projects under these contracts. For example, we provide advice to them throughout their bid, from the OJEU notice, to the procurement proceedings and on to procurement challenge.

### CONTRACTS AND PROJECT ADVISORY

Our renowned contracts and projects advisory team have advised on some of the biggest projects across the globe, providing expert advice with a commercial dimension.

The team also advise on all front-end aspects of projects, including: contract reviews and tender checks; contract formation and project procurement; tender procedures and competitions; the negotiation and conclusion of contract documents; joint venturing and contractual entitlement; project variations; and dispute avoidance.

We have extensive experience of advising on various procurement routes, including: traditional, design and build, construction management, management construction, partnering, alliancing and PPP, including PFI and LIFT.

Recently, we have advised on several variations and terminations on long-term contracts including two of the largest by value PFIs procured in the UK.

The team are often involved in innovative procurement procedures, such as drafting the first and second editions of the CIC BIM Protocol in the UK, and helping shape collaborative arrangements such as alliancing agreements by advising bidders during many competitive dialogues.

“ Beale & Co is one of the best law firms I have had the pleasure of working with. The lawyers provide a first-class service, engage regularly and are fully prepared when any new matters arise. ”

Chambers Europe



DISPUTES

Disputes are core to our construction, engineering and infrastructure practice and our specialist lawyers advise on all aspects of the dispute resolution process from crystallisation of a dispute, prior to any formal proceedings, until resolution. Our experience extends from domestic litigation to international arbitration as well as DAB/DRB proceedings, adjudication, expert determination and mediation.

Our experience and specialist knowledge means we have a clear understanding of the issues involved in, and the best strategy for taking forward, claims concerning delay, extensions of time, loss and/or expense (including prolongation and disruption costs), variations, suspension and termination, defective design, payment and professional negligence. We also advise in relation to property damage claims (including pursuing subrogated recovery on behalf of insurers), together with claims relating to CAR/EAR and project-specific insurance policies.

Our lawyers are integral members of the communities in which they practise so they are well-placed to advise our clients in the context of relevant market atmospheres. Our strong understanding of international jurisdictions enables us to successfully resolve disputes and contribute to our clients’ success in the UK, Ireland, Middle East, Africa, Europe, Central and South East Asia, Australasia and the Americas.

INSURANCE

As an essential part of risk management on any project, insurance is a specialist area that must not be overlooked. With a thorough understanding of the insurance market, reinforced by close relationships with insurance industry organisations, we advise a significant number of Lloyd’s and corporate insurers and those that they insure. Our lawyers advise on domestic and international projects including across Europe, the Middle East, the Far East and Australasia.

We specialise in advising on all types of related policies including: Construction All Risk; Design and Construct; Professional Indemnity; project specific and general liability. In addition we deal with contentious construction (design

and workmanship) and health and safety issues to assist clients in matters that may involve an insurance angle.

Our lawyers also advise on policy wording and interpretation in relation to provisions required for a project (including LEG/DE design and defect exclusions) and apportionment of risk prior to a job starting and any disputes which may arise. We have experience of working with both the insured and their insurers on subrogated matters to ensure the best recovery for both parties.

HEALTH AND SAFETY

Our lawyers have unrivalled expertise advising leading construction firms and their insurers on construction related Health & Safety matters. With our years of construction industry experience, the technical issues that surround an incident are well understood.

We advise companies and individuals on all aspects of an investigation by the Police, HSE or other enforcing authority and represent clients throughout all stages of an investigation and / or prosecution.

Our services cover advice on Health & Safety legislation and regulations, what to do after an adverse site inspection, an incident on site, attendance and representation at Coroner’s Inquests, regulatory offences, interviews both voluntary and under caution, hearings, sentencing and plea bargaining and insurance cover.

We also advise on the ongoing commercial position of clients and advise on contractual commitments to a project and involvement in any remedial issues following an incident on site.

We have expertise, representing all the different stakeholders, in the most serious of offences, including corporate manslaughter and gross negligence manslaughter as well as a variety of matters involving health and safety and fire safety breaches.

We are particularly well known for our awareness of the emotional impact these incidents can have on individuals and are often instructed for the necessary care that we give to these matters.

“ They understand the nuances and unique issues that arise for construction professionals. ”

Chambers UK

ENVIRONMENT

Our environmental team provides expert, accurate and practical advice for a range of clients including developers, waste companies, water companies, contractors, consultants and insurers.

Combining an in-depth understanding of the environmental industry with commercial awareness and legal expertise, we advise our clients on their environmental compliance obligations and risks, assisting them in minimising and managing their legal problems. This requires knowledge of the regulatory framework in which our clients operate and an understanding of their commercial needs. Our environmental law expertise covers: regulatory investigations and enforcement; environmental disputes; environmental risk management; environmental compliance; water law; and resource and waste management.

Our experience includes advising on claims and disputes relating to a variety of pollution and contamination matters and handling claims arising from exposure to hazardous substances, landfills or contaminated watercourses. We have acted for a variety of clients in respect of environmental prosecutions brought by the Environment Agency and Local Authorities.

We have also been instructed on a number of environmental group actions defending claims for losses and damages arising from contamination, odour nuisance and other environmental factors.

CORPORATE AND COMMERCIAL

With extensive experience of acting on UK acquisitions and by teaming with local partners, we are able to act as a onestop shop for many of our clients’ international deals.

Our team is able to assist with: mergers and acquisitions; group restructuring; disposal of non-core business streams; distressed purchases; due diligence; incorporation of companies and LLPs; shareholders’ agreements; joint ventures and strategic alliances; management buy-outs and buy-ins; and private equity, corporate and project finance.

In addition, through our close connections with the leading industry bodies and a network of contacts within corporate finance advisers, we are able to assist with the creation of acquisition opportunities.

Data is a key asset of our clients’ businesses and through our experience of advising on IT, digital and electronic communication we are able to provide commercial advice

on GDPR and data protection in general. This expertise, together with our understanding of our clients’ needs, enables us to give advice when and where it matters most.

We appreciate how important brand identity and IP is to the success of a client’s business and are experts in advising on this critical area.

We are able to help in the commercialisation of new ventures, identify and manage potential risks to their IP and introduce measures to safeguard: confidentiality and non-disclosure; copyright and moral rights; co-existence agreements; defamation; digital rights, e.g. domain names; IP litigation (both as claimant and defendant); licensing of IP rights; managing IP portfolios; patents; registered and unregistered design rights; and registered and unregistered trademarks.

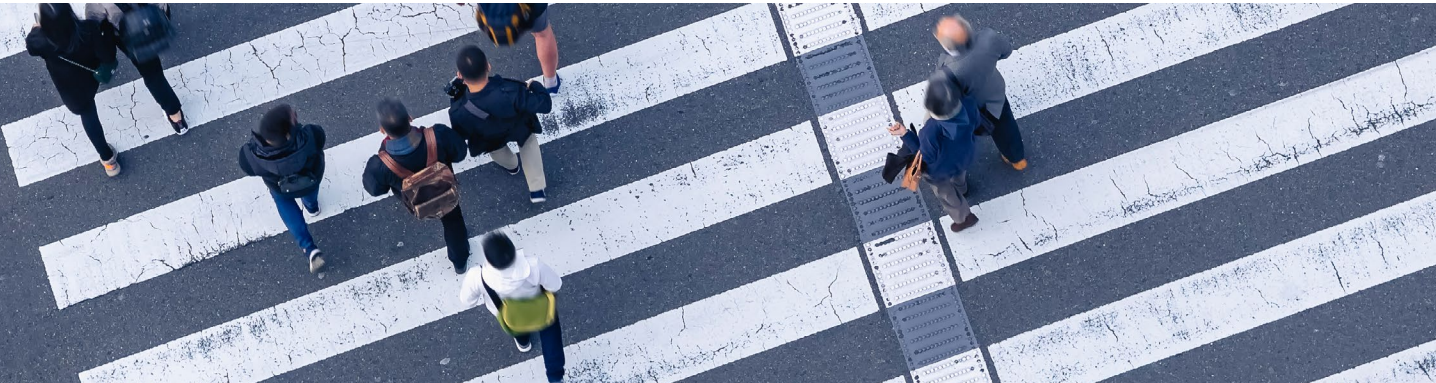
TECHNOLOGY

Our lawyers comprehension of how technology is impacting the sector allows us to address the growing concerns businesses have over IP rights, data exchange, insurance and cyber risks. This complements our work with key industry/government bodies such as the CIC and the CiSP in the UK, an organisation that facilitates the exchange of cyber threat and vulnerability information.

We have wide industry experience of advising on all types of technological, IT and IP matters including: licensing IP litigation (both as claimant and defendant); confidentiality and non-disclosure; digital and electronic communications; software; and media. We also advise on how to manage potential risks around new products and projects which, consequently, protects clients’ IP rights and assists in the commercialisation of new ventures.

COMPETITION LAW

We provide clients with advice on all matters related to competition law, public procurement and sectoral advice. We are able to assist clients with: investigations by competition authorities such as the Competition and Markets Authority or sectoral regulators such as the Office of Road and Rail; matters related to abuse of dominance; anti-competitive agreements and cartels; competition compliance programs; merger control filings and complaints related to anti-competitive mergers; market studies and market references; advice in relation to State aid and subsidy control law; public procurement advice for suppliers including challenging award decisions or exclusion decisions; and advice on responsibilities under the procurement rules for regulated entities engaging in purchasing exercises. We pride ourselves on clear and informed advice which assists clients to make decisions. We are particularly well versed in how competition and procurement matters affect the construction and engineering sectors.



## Key contacts

Why not visit [www.beale-law.com](http://www.beale-law.com) or speak to one of our Partners listed below.

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