

Construction, Engineering and Infrastructure

With over 60 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 60 years.

With over 120+ specialist lawyers spread across the UK, Ireland, the UAE and Canada, we are able to deliver an innovative service to our clients wherever they may be. Our lawyers, many of whom are recognised as leaders in the legal directories, have delivered perceptive, clear and concise advice on some of the most prestigious projects around the world and for some of the largest consultants, contractors, developers, employers and funders.

Our deep knowledge of the construction, engineering, energy and infrastructure sectors alongside our accessible, responsive and experienced teams of lawyers, enables us to offer pragmatic, concise, commercial advice that is focused on finding solutions.

We offer our clients a complete service, whether it is managing complex international arbitration proceedings; professional indemnity disputes; claims handling; corporate and commercial matters; or contracts and projects advisory services, we can handle it – all with an emphasis on finding a positive resolution.



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.

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, Canada, Central and South East Asia, Australasia and the Americas.

CONTRACTS AND PROJECTS ADVISORY

Our market leading contracts and projects advisory team have advised on some of the most significant infrastructure projects and programmes across the globe, providing expert advice with a commercial dimension.

The team 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.

“ They have a niche offering in the construction sector and are more agile than other larger firms in this sector. The team stands out for its quick response times, availability almost on demand and genuine interest in helping to resolve our issues ”

Legal 500 EMEA

INSURANCE

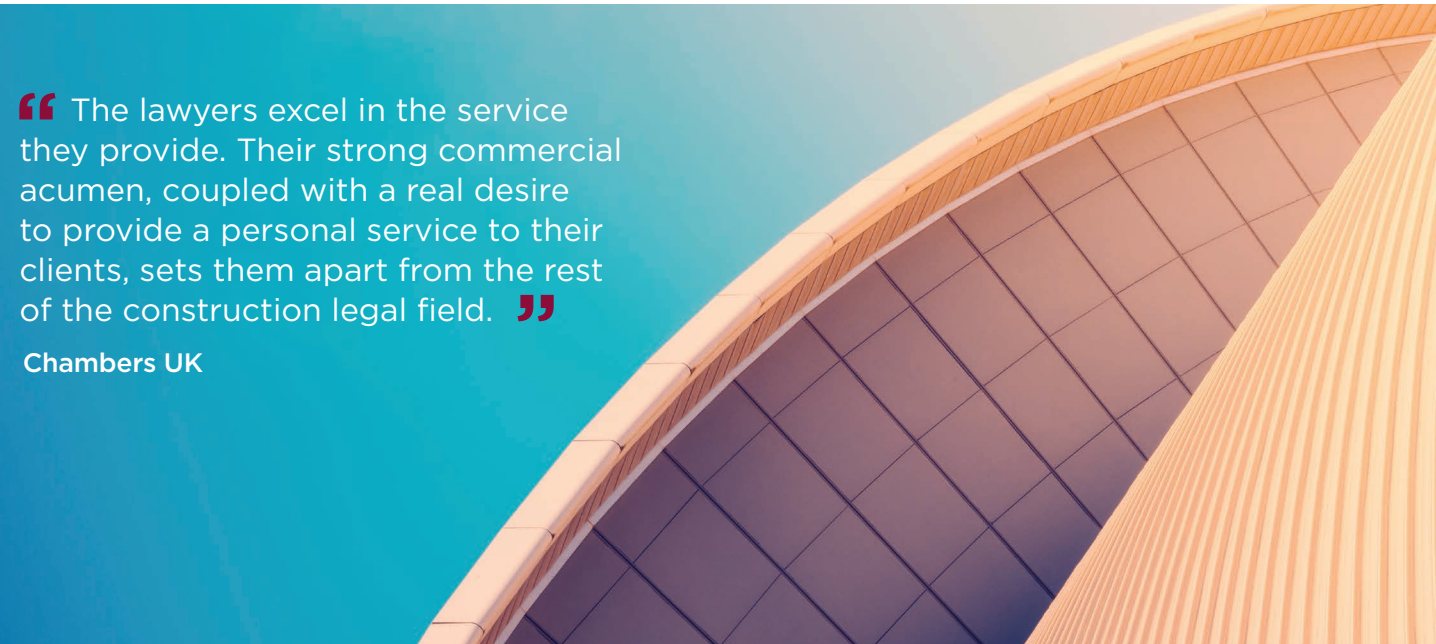
As an essential part of risk management on any project, insurance is a specialist area that must not be overlooked. With a thorough understanding of the insurance market, reinforced by close relationships with insurance industry organisations, we advise a significant number of Lloyd's and corporate insurers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

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.

“ The lawyers excel in the service they provide. Their strong commercial acumen, coupled with a real desire to provide a personal service to their clients, sets them apart from the rest of the construction legal field. ”

Chambers UK



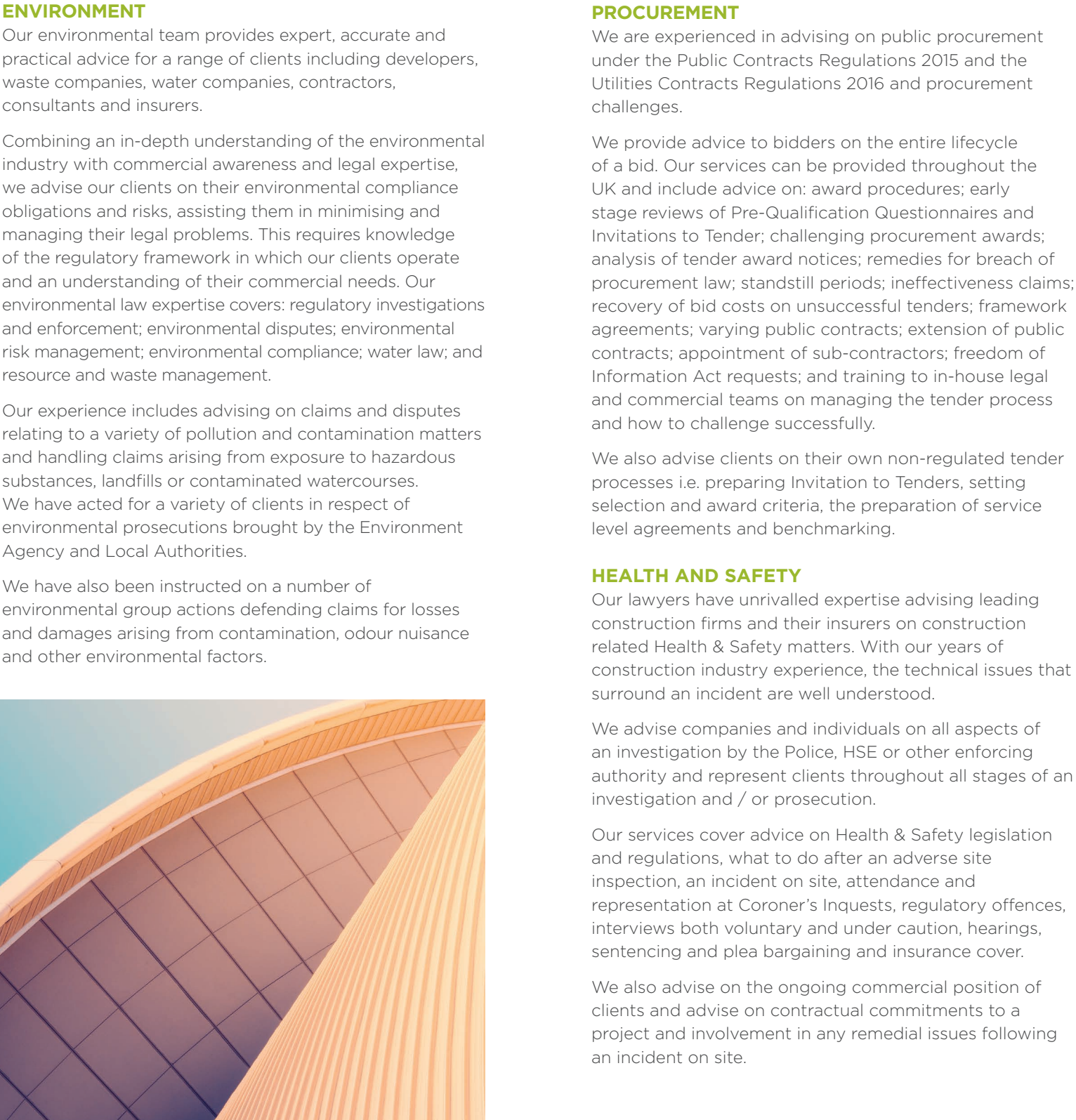
ENVIRONMENT

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.



PROCUREMENT

We are experienced in advising on public procurement under the Public Contracts Regulations 2015 and the Utilities Contracts Regulations 2016 and procurement challenges.

We provide advice to bidders on the entire lifecycle of a bid. Our services can be provided throughout the UK and include advice on: award procedures; early stage reviews of Pre-Qualification Questionnaires and Invitations to Tender; challenging procurement awards; analysis of tender award notices; remedies for breach of procurement law; standstill periods; ineffectiveness claims; recovery of bid costs on unsuccessful tenders; framework agreements; varying public contracts; extension of public contracts; appointment of sub-contractors; freedom of Information Act requests; and training to in-house legal and commercial teams on managing the tender process and how to challenge successfully.

We also advise clients on their own non-regulated tender processes i.e. preparing Invitation to Tenders, setting selection and award criteria, the preparation of service level agreements and benchmarking.

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 of 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.

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.

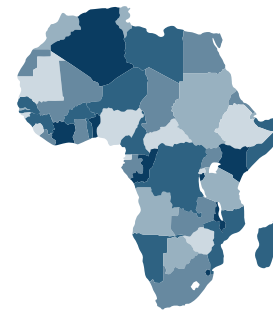


Our International reach

We have a successful track record of acting on a variety of construction projects in over 60 countries around the world. We advise on all the different aspects of high-value domestic and international matters.

Our approach is to develop a strategy and plan of action to best serve our clients' interests. While retaining overall responsibility and control on all international cases, we utilise expert local support when appropriate to provide an efficient team.

We draw this support from our longstanding relationships with leading independent law firms and experts across the world. Our own specialist expertise, together with the insights of locally qualified colleagues, enables us to provide our clients with strategically focussed advice, irrespective of the jurisdictions they are in.



Africa

Many of our clients' projects are based in Africa, with the region seeing rapid growth and providing excellent opportunities. Our experience of working with clients, and our close relationships with law firms throughout Africa, mean that we understand the market and the specific challenges that may be faced when operating in the region. We have assisted clients on a number of construction projects across Africa, with a strong focus on the Sub-Saharan region.



Thaba Tseka Road Project, Lesotho

Advising in an arbitration in relation to the Thaba Tseka Road, a major transport link in Lesotho which has serious safety issues.



Hydro Electric Power Plant, Uganda

Acting in DRB proceedings and a UNCITRAL arbitration in respect of significant money claims arising.



Drilling of a well, Ghana

Acting for one of the world's largest oil and gas multinationals in a USD200 million ICC arbitration dispute.



World Trade Centre, Abuja, Nigeria

Advising a developer on contractual issues relating to a USD1 billion project for the construction of the World Trade Centre in Abuja, Nigeria.



Djibouti Airport, Djibouti

Advising the Djibouti Ports and Free Zone Authority in relation to the procurement and construction of a new international airport and associated transport infrastructure in Djibouti, East Africa.



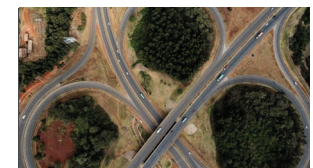
Police Stations, Democratic Republic of Congo

Acting for an international consultant in respect of procurement and the preparation of project documentation relating to the construction and major refurbishment of police stations throughout the DRC.



Aga Khan Health Service, Tanzania

Advising the Aga Khan on the procurement of its professional team in relation to the expansion of the Aga Khan Hospital and the creation of a 150 bed tertiary care hospital.



Highway Dispute, Tanzania

Advising on a USD200 million highway dispute subject to the FIDIC Yellow Book in Tanzania involving DAB proceedings and ICC arbitration.



Aga Khan University, Kenya

Drafting a suite of consultants' appointments.



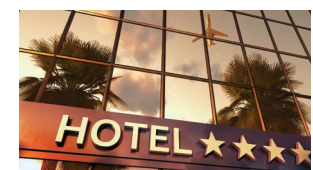
Mixed Use Development, Tanzania

Advising in relation to the appointment of the lead consultant for a high profile mixed used development in Oyster Bay, Dar es Salaam, Tanzania.



Road project, Zambia

Drafting the construction contract (FIDIC Silver Book) and ancillary documentation for the design and construction of a road rehabilitation and upgrade scheme in Zambia.



Hotel in Guinea

Preparing a building contract based on FIDIC Red Book (1999) for a Dubai-based developer for the construction of a hotel in Conakry, Guinea.



Asia Pacific

The Asian construction market continues to expand, with booming population growth and a continuing trend towards urbanisation driving demand for quality construction projects throughout the continent. We use our industry specific expertise together with obtaining insights from our locally qualified colleagues from leading law firms, to provide strategically focused advice.



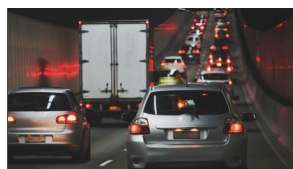
Bangkok Airport, Thailand

Advising in respect of two sets of multi-party arbitration proceedings concerning the design and construction of Bangkok Airport.



Hydroelectric Dam Project, Central Asia

Advising in relation to the construction of the dam which, when complete, will be one of the highest rockfill dams in the world.



Road Tunnel, Australia

Acting for a consultant in the defense of a GBP2 billion claim in respect to traffic forecasting for a new road tunnel in Brisbane, Australia.



Gas Turbine Power Station, Bangladesh

Acting for a Japanese contractor in a GBP10 million payment claim in an ICC arbitration.



Middle East

In recent years, many of our clients have focussed on the Middle East as part of their international development strategies. The rapid growth, particularly in Dubai, Abu Dhabi, Qatar and Saudi Arabia, has provided extensive opportunities for consultants, contractors and insurers in the region.



Port Said Container Terminal, Egypt

Acting for an International Civil Engineering Firm in a USD550,000 claim concerning the design and construction of the fire fighting pipe work system.



Oman National Rail Project, Segment 1, Oman

Advising one of the largest contractors in the Middle East in relation to its tender for the project.



2022 World Cup, Qatar

Advising various design consultants regarding contractual documents for their appointment in relation to the 2022 World Cup.



Sports City, Dubai, UAE

Acting for a Saudi-owned developer in relation to a DIAC arbitration in Dubai arising from the construction of Sports City, Dubai.



Mixed use development, China

A fee claim and subsequent counterclaim in arbitration proceedings in China through the Arbitration Commission and based on the CITEC Arbitration Rules regarding a mixed use development in China.



Fukang Silk Road Outlet, China

Advising in relation to a fee claim and subsequent counterclaim in arbitration proceedings in the China International Economic and Trade Arbitration Commission.



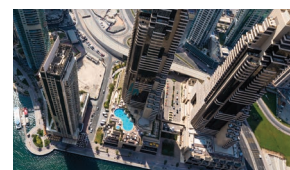
Infrastructure Projects, Vanuatu

Providing legal advice and assistance in respect of a professional negligence/ breach of contract international arbitration regarding design and consultancy services for infrastructure projects in the Republic of Vanuatu.



Sual Power Station, Philippines

Successfully defending a USD80 million claim against a firm of consulting engineers in relation to the construction of the 2 x 609MW Sual Power Station.



Iconic Project, Riyadh, KSA

Advising on arbitration proceedings under the ICC Rules involving claims against one of the world's leading consultants on an iconic project within Riyadh, KSA for amounts over USD250 million.



Dubai Metro, UAE

Advising on a substantial fee claim and professional negligence counterclaim in connection with the construction of the USD7.6 billion Dubai Metro system, the world's longest driverless and fully automated metro network.



King Abdulaziz International Airport, KSA

Advising a design and fit out contractor including 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.



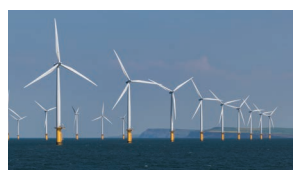
Midfield Terminal, Abu Dhabi International Airport, UAE

Advising in connection with the claims concerning the design and construction of the Midfield Terminal Complex at Abu Dhabi International Airport – an award-winning building conceived as the gateway to the country with a construction cost estimated to reach AED10 billion.



Rail Improvement Works, Hong Kong

Advising a consultant design engineer on rail improvement works in Kowloon, Hong Kong. Total project cost circa USD90 million.



Floating wind farm, South Korea

Drafting, negotiating and concluding the contract documentation in relation to an innovative floating wind farm at a pilot site in South Korea.



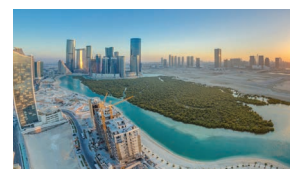
Motorway project, New Zealand

Advising the civils contractor on a PPP motorway project in New Zealand.



Coal Mine, Kazakhstan

Providing legal advice and assistance in relation to a professional negligence/ breach of contract claim arising from consultancy services provided for a substantial mining operation in central Kazakhstan.



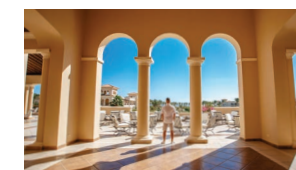
Najmat Abu Dhabi, Al Reem Island, Abu Dhabi, UAE

Advising in relation to the construction of a residential tower, including advising in relation to a contractor's tender and in particular the contractual documentation relating to an amended FIDIC 1987 Red Book Conditions.



Desalination Plant, Oman

Advising on a dispute in relation to a 20MLD desalination plant in Sohar, Oman, dealing with complex technical issues in arbitration proceedings conducted under the DIFC-LCIA Arbitration Rules.



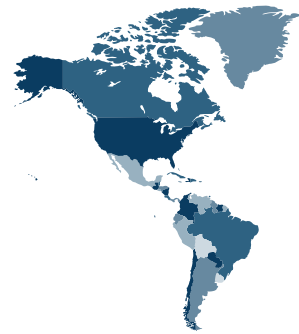
Hotel Complex, Egypt

Acting for an international construction business in relation to an ICC arbitration arising out of construction of a large-scale hotel complex in Cairo, Egypt.



Dubai Football Stadium, UAE

Advising an international architect in relation to design services to be provided in respect of the Dubai Football Stadium.



Canada and The Americas

With interest in the rapid growth and modernisation of Canada and North America's infrastructure continuing to grow, the construction sector in both is booming. Our Toronto office supports the Firm's Canadian and international clients with their construction and infrastructure project needs.



Trillium Line Extension, Canada

Advising on contract documentation for the Trillium Line Extension, Ottawa.



Otis Building, New York, USA

Advising on the contract for the design of 260 Eleventh Avenue Otis Building.



Construction Project, Dominican Republic

Representing a BVI claimant company in an international ICC arbitration.



Jetty, West Indies

Acting for professional indemnity insurers in relation to a claim regarding hurricane damage to a cruise liner jetty.



UK & Europe

With offices in the UK and Ireland, and a network of commercial law firms across Europe, we are able to provide a hands-on service to our clients wherever they need us.



Defective schools, Ireland

Acting in respect of alleged defects and remediation of approximately 40 schools across Ireland, constructed under a design and build programme (quantum in the region of EUR500 million).



Battersea Power Station, UK

Assisting clients and their insurers with various claims as part of the ongoing project to develop the iconic Grade II listed power station in London.



M25 DBFO, UK

Advising in connection with the second largest PFI procured in the UK with a project value of GBP6.2 billion.



Oil Refinery, Germany

Advising a contractor on a proposed contract with a major oil company in connection with the upgrade of an oil refinery in Germany.



Solar Power Plant, Argentina

Acting for a developer and operator of solar power projects in a dispute arising from the construction of a solar plant in Argentina.



Road Rehabilitation Project, Antigua and Barbuda

Advising in relation to a dispute (FIDIC DAB) concerning the design and construction of island-wide road rehabilitation and improvement.



Fraser River Tunnel, Canada

Legal advisors to a construction joint venture proponent team for the Fraser River Tunnel Project in British Columbia, under a progressive design build model.



Royal BC Museum, Canada

Advising an architect on its tender for the Royal BC Museum Modernization Collections and Research Building, British Columbia, Canada.



Marieholm Tunnel, Sweden

Advising on a breach of contract/negligence dispute regarding allegations of delays and defects in relation to our client's detailed design provided for the design and construction of a connection tunnel in Sweden.



Hinkley Point C, UK

Advising in a joint venture in the negotiation of one of the key construction packages for the Hinkley Point C nuclear power station (contract value GBP203 million).



Sea Dock, Netherlands

Acting for a Dutch civil engineering contractor in respect of a sea dock under construction in the Netherlands which has experienced potential design related issues.



Porta Romana District, Italy

Advising on the contract for the master-planning of a 190,000m2 area which will host athletes during the 2026 Winter Olympic Games.



Wind Turbine, USA

Drafting, negotiating and concluding a suite of contracts for delivery of the basic design and supply of the equipment in relation to the first Jones Act-compliant offshore wind turbine installation jack-up vessel for use offshore.



Light Rail Transit, Canada

Advising on numerous LRT projects across Canada including Edmonton Valley LRT, Eglinton Crosstown LRT and Ottawa LRT.



Metrolinx, Canada

Advising a construction and engineering services company in relation to their participation in the consortium for the CAD20 billion c25 year concession to design, construct, upgrade and operate and maintain Metrolinx, the railway network in and around Toronto, Canada.



Onshore wind development, Brazil

Advising a Scandinavian energy provider in relation to a c.500MW onshore wind development in Brazil.



'The Cheesegrater' Leadenhall Building, UK

Acting for the structural engineer and their PI insurers in relation to claims arising out of the design and construction of the Leadenhall building ('the Cheesegrater') in London. The total project cost was over GBP280 million.



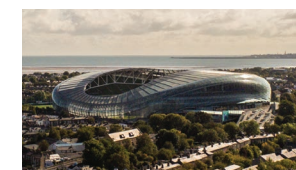
Victoria Crossrail Development, UK

Advising a consultant regarding their scope of works under an amended NEC3 contract including the risk of variations and changes to the compensation event mechanism on the Victoria station Crossrail development, London.



Foundation for Medical Sciences Mater Dei Hospital, Malta

Investigating and bringing a multi-million pound international arbitration against an international contractor and its JV partners arising out of the construction of the new main hospital in Malta – a project that took over 10 years to construct.



Aviva Stadium, Ireland

Acting for a significant UK and Irish glazing contractor and its professional indemnity insurers in a dispute concerning issues with glazing and louvre facades at the Aviva Stadium in Dublin.

Key contacts

Why not visit www.beale-law.com or speak to one of our Partners listed below.

LONDON

Key contact:
Sheena Sood, Partner

Beale & Company Solicitors LLP
7 Bishopsgate
London
EC2N 3AR
United Kingdom

T: +44 (0) 20 7469 0400

BRISTOL

Key contact:
Joanna Lewis, Partner

Beale & Company Solicitors LLP
40 Queen Square
Bristol
BS1 4QP
United Kingdom

DX No. 7809 Bristol
T: +44 (0) 20 7469 0444

GLASGOW

Key contact:
Fraser Hopkins, Partner

Beale & Company Solicitors LLP
Kintyre House, 3rd Floor
205 West George Street
Glasgow
G2 2LW
United Kingdom

T: +44 (0) 141 674 7061

DUBLIN

Key contact:
Killian Dorney, Partner

Beale & Co LLP
1st Floor
7 Grand Canal Street Lower
Dublin 2
D02 KW81
Ireland

DX No. 143 Dublin
T: +353 (0) 1 536 9610

DUBAI

Key contact:
Claire Miller, Partner

Beale & Company (Middle East)
Office 1006, 10th Floor
Index Tower
Dubai International Financial Centre
P.O. Box 506984
Dubai
United Arab Emirates

T: +971 (0) 4 356 3900

TORONTO

Key contact:
Andrés Durán, Partner

Beale & Co LLP
Queen & Bay
401 Bay Street, Suite 1619
Toronto
ON M5H 2Y4
Canada

T: +1 647 330 2314