



Anna Laney



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"Her advocacy is first rate and her paperwork excellent. She manages complicated, intense disputes very easily and highly commendably."
(Chambers & Partners, 2020)



Anna Laney's practice focusses on construction related matters, whether they be traditional employers'/contractors' contractual claims, professional negligence disputes or insurance issues.

She is an experienced advocate appearing regularly in the High Court, International, and Domestic Arbitrations as well as within the alternative dispute resolution forums of mediation and adjudication. Since the beginning of the pandemic, Anna has conducted a number of trials, hearings, and mediations remotely using a variety of platforms and document management systems.

Anna has particular expertise in dealing with claims that are highly technical in nature and enjoys the challenge of grappling with a new discipline of expert evidence as well as deepening her knowledge of the more commonplace fields. She enjoys exploring technical issues with clients and experts to understand events as they would have evolved in both the design and planning stages, as well as on site. In this regard, Anna has extensive experience of dealing with delay related claims; and considers it an opportunity to get to grips with the factual matrix of the case in order to unravel cause and effect, which of itself often provides an important insight into the issues that are driving the litigation – which can in turn expose opportunities for early settlement.

Anna understands and appreciates the commercial and practical difficulties that litigation presents, which are even more acute in the current conditions. Her experience is that the best results are achieved by working as a team. To that end she takes a pro-active role in the management of cases; her approach is to work closely with her clients, instructing solicitors, and retained experts, to identify the realistic outcomes available, and to identify the routes to achieving her client's objectives.

She is happy to attend client meetings and site views both within the UK and abroad where Covid-19 restrictions permit, or to attend such meetings remotely.

International Arbitration

Anna is instructed regularly in relation to substantial disputes, particularly in the Middle East. As regards international arbitration, she has experience of working under the ICC, IBA, DIFC-LCIA, DIAC, and LCIA Arbitration Rules and ADCCAC Procedural Regulations.

Examples of recent work include:

- Acting on behalf of a sub-contractor in respect of four separate sub-contracts each subject to different bespoke terms concerning earthworks and piling works in respect of a new metro line. Issues concerning operation of contractual terms, approach to valuation and pricing of the works and overarching issues of application of Qatar Law.
- Acting on behalf of a sub-contractor in respect of MEP and Fit-Out Works in respect of works associated with a new metro line. Contract based on FIDIC Red-Book subject to bespoke amendments. Issues concerning operation of contractual terms, conduct of the Employer/Engineer regarding Clause 15.3 Determinations and associated disclosure issues and overarching issues of application of Qatar Law.
- Acting on behalf of contractor in relation to a dispute arising out of the construction of a hotel in Abu Dhabi. Issues concerning scope of contractual obligations under the FIDIC Red Book Rules, instruction of additional works, independence of the Engineer as regards his decisions, causes of delay and disruption and valuation issues.
- Acting on behalf of contractor in relation to a new development in Dubai where the employer alleged that the piling works were defective, preventing the development from being undertaken. Arguments concerning the adequacy of the pile construction and responsibility for project delay.
- Acting as junior on behalf of the generator in a dispute arising out of the construction of a power and water plant in Bahrain. Multi-billion dollar claims advanced, including claims for a reduction in the tariff (both water and power), extensive remedial works claimed by the off taker (as opposed to the generator), together with significant counterclaims for unpaid capacity charges. Significant claims in relation to delay, including the impact of the Arab Spring as certain embassies advise their nationals to leave the country.
- In respect of the same project, acting as lead counsel in respect of the claim “down the line” by the Generator against the Contractor, where the arguments need to be effectively reversed.
- Acting as junior in a claim for the equivalent of £500M arising out of a construction project in Dubai, where defective design (undertaken by independent consultants) caused significant delay costs when key parts of the structure proved to be unbuildable.
- Acting as Junior in relation to claim for US\$50M arising out a construction project in Bulgaria. Claims relating to both allegedly defective works and significant delay / project cost overruns consequent upon unforeseen ground conditions.
- Acting as junior in claim for US\$20M against sub-contractor for wrongful determination of contract relating to construction of a sports complex in Beirut on behalf of UK based main contractor. Delay issues included the use of the site by the army as a gun emplacement.

Construction & Engineering

Anna has wide experience of acting in construction and engineer disputes both within the UK and overseas.

She acts for employers, contractors, sub-contractors and professionals, representing both claimants and defendants. Anna has dealt with claims for additional and defective work, extensions of time and prolongation, as well as allegations of negligence against construction professionals including architects, quantity surveyors, structural and process engineers.

Examples of recent work include:

- Acting for tenant in relation to a multi-party dispute arising out of the construction of new “HQ” premises where project overrun was circa 2.5 years and where the budget overrun represented a 50% increase. Multi-faceted arguments concerning defects in the base build works that resulted in extensive remedial works that pushed out the completion date; consequences of a number of significant flood events; causation issues as regards nature and scope of remedial works to be undertaken; contractual obligations as between base build and fit-out works; allegations of default on part of Contract Administrator acting on behalf of the Landlord; issues concerning entitlement to rent pursuant to the agreement for lease.
- Acting on behalf of a sub-contractor in respect of four separate sub-contracts each subject to different bespoke terms concerning earthworks and piling works in respect of a new metro line. Issues concerning operation of contractual terms, approach to valuation and pricing of the works and overarching issues of application of Qatar Law.
- Acting on behalf of a sub-contractor in respect of MEP and Fit-Out Works in respect of works associated with a new metro line. Contract based on FIDIC Red-Book subject to bespoke amendments. Issues concerning operation of contractual terms, conduct of the Employer/Engineer regarding Clause 15.3 Determinations and associated disclosure issues and overarching issues of application of Qatar Law.
- Acting for contractor in relation to the construction of a new hotel in Abu Dhabi. Issues concerning scope of contractual obligations under the FIDIC Red Book Rules, instruction of additional works, independence of the Engineer as regards his decisions, causes of delay and disruption and valuation issues.
- Acting on behalf of contractor in relation to a new development in Dubai where the employer alleged that the piling works were defective, preventing the development from being undertaken. Arguments concerning the adequacy of the pile construction and responsibility for project delay.
- Acting on behalf of contractor against novated architect where it is alleged the defective roof design resulted in water ingress necessitating wholesale replacement of the roofs to four office blocks.
- Acting on behalf of contractor in relation to allegations of undervaluation of works in relation to the redevelopment of a railway station, where employer alleged it was entitled to withhold sums by way of liquidated damages in circumstances where the cause of delay was in dispute.
- Acting on behalf of a contractor in relation to a dispute with a sub-contractor where allegations of fraudulently inflated applications for payment.
- Acting for insurer in relation to collapse of a residential development built in a crescent arrangement. Insured was a labour only sub-contractor where competing causes of failure advanced. In addition, allegations about site management and bullying as regards instructions that were given (but not recorded) which were said to be causative of collapse. Claimant sought substantial damages for delay, which were not related to original collapse but need for substantial redesign and/or betterment.
- Acting for insurer in relation to collapse of a listed facade at a prestigious development. Detailed arguments about cause and mode of failure, contributory negligence of Employer’s professional team, and policy coverage issues.
- Acting for consortium in relation to defective design of earthworks by civil engineers resulting in delay and claims for costs of additional works and loss of profits.
- Acting for earthworks contractor in relation to final account claim in respect of a new holiday park; main contractor counterclaiming over £1million for defective works and consequential losses.
- Instructed as junior on a £10million claim for delay and disruption. Acting for piling contractor where main contractor alleged that the secant pile installation and associated ground works were defective.
- Acting for developer against allegedly negligent architect who had failed to convert accurately

planning drawings into working drawings: claims for losses arising out of differences between two layouts.

- Acting for contractor where architect's soundproofing design within blocks of flats was alleged to be negligent; issues about remoteness of damage and disputes about the appropriate remedial scheme.
- Acting for process engineer in a claim relating to the design and construction of a fertilizer process plant in the Philippines, in particular the plant's performance in certain weather conditions.
- Acting for homeowner in a dispute concerning contracting parties involving allegations of deceit as builder / defendant asserted that he acted as agent for third party.

Selected Cases

- Lulu Construction Limited v Mullaley [2016] EWHC 1852 (TCC) – Enforcement of an adjudicator's decision finding that he had jurisdiction to award costs claimed under the Late Payment of Commercial Debts (Interest) Act 1998.
- Jockey Club Racecourse Ltd v Willmott Dixon Construction Ltd [2016] 4 W.L.R. 43 [2016] 1 Costs L.R. 123 – Considers the requirements of a valid Part 36 Offer as to liability where quantum uncertain / in dispute.
- Mul v Hutton Construction Ltd [2014] EWHC 1797 (TCC); [2014] All ER (D) 58 (Jun) – Interpretation of "appropriate deduction" for defects under cl 2.30 of JCT Intermediate Form of Contract (2005).
- Glendalough Associated SA v Harris Calnan Construction Co Ltd [2013] EWHC 3142 (TCC); [2014] 1WLR 1751 – Concerns seeking injunctions in construction adjudications.
- Pioneer Cladding v John Graham Construction PLC [2013] EWHC 2954 (TCC) [2014] CILL 3445 – Concerns circumstances in which a stay of execution may be granted as regards enforcement of an adjudicator's decision where a sub-contractor had misled contractor as to its financial health.
- SCI Azure Estates Ltd v Mullen [2007] EWHC 263 (QB) – Examines mechanism of contractual formation, intention to create legal relations and retrospective application of agreement.
- Skanska Construction UK Ltd v Egger Barony Ltd [2002] EWCA Civ 1914, (2003) CILL 1969 (Thorpe LJ, Latham LJ, Lawrence Collins J); [2005] EWCA Civ 501 (Buxton LJ, Dyson LJ, Maurice Kay LJ); [2005] EWHC 284 (TCC), (2005) CILL 2210 (HHJ Wilcox) – Claims and counterclaims arising out of the construction of a wood processing factory in Scotland, including arguments concerning extent of insuring obligations.

Adjudication

Anna has experience of both contractual and statutory adjudications with subject matter arising out of construction, engineering and process matters. She has been involved in every stage of the process: drafting referrals and responses, appearing at adjudication hearings and attending upon enforcement proceedings.

Examples of recent work include:

- Acting for employer in relation to a series of adjudications and cross adjudications arising out of the fit out works to a new headquarters building resulting in proceedings being issued (which later settled on confidential terms) to consider the application of the Hudson/Emden Formula.
- Acting for employer in enforcement hearing where contractor claimed his costs incurred during the

adjudication process: Lulu Construction Limited v Mullaley.

- Acting for employer in relation enforcement issues where contractor misrepresented its financial position at the date of contract: Pioneer Cladding Ltd v Graham Construction Ltd.
- Acting for international engineering company in £1.2million adjudication where 100 discrete sub-claims arising out of relocation of car production line: allegations of non-payment relating to scope, and counterarguments of defective and incomplete works and delay.
- Acting for developer / respondent in adjudication seeking payment of final account with arguments over jurisdiction and crystallisation of disputes.

Selected Cases

- Pioneer Cladding Ltd v John Graham Construction Ltd [2013] EWHC 2954 (TCC) – Enforcement proceedings where contractor (winning party in adjudication) had misrepresented his financial position at the date of contract.
- Lulu Construction Limited v Mullaley [2016] EWHC 1852 (TCC) – Enforcement of an adjudicator's decision finding that he had jurisdiction to award costs claimed under the Late Payment of Commercial Debts (Interest) Act 1998.

Energy & Natural Resources

Anna has a specialist practice concerning energy production, including power and water plants, wind farms, solar farms and biomass plants. She enjoys the technical challenges that arises, in particular the range of expert evidence that it is necessary to master to understand the minutiae of the plants and their operation.

Examples of recent work include:

- Acting for generator in respect of a project for the construction of a Power and Water Plant in Bahrain where allegations of defective/non-compliant plant which gave rise to claims by the off taker for remedial works and/o tariff reductions. Counterclaims centred on the off takers failure to act with good faith. She is also instructed in the claim by the Generator against the contractor (see Arbitration).
- Acting for sub-contractor in relation to pipework installation at a twin-fuel biomass plant.
- Acting for contractor in relation to claim against sub-contractor for defective 'string' work at a solar farm.
- Acting for sub-contractor in relation to allegations of defective work in relation to off-shore turbine works at a wind farm.

Professional Liability

Anna has experience in a wide range of professional negligence disputes acting both for and against professionals.

Given the construction bias of her practice, Anna has particular expertise in claims involving Architects, Structural Engineers; Civil Engineers; M&E Engineers; Ground Investigation and Site Investigation Reports,



Building Surveyors; and Quantity Surveyors. She also has experience of claims involving allegations against solicitors both construction related and involving matters of procedural default.

Examples of recent work include:

- Acting on behalf of Quantity Surveyor in respect of development of student accommodation where allegations of over-certification and wrongful grant of practical completion.
- Acting on behalf of Contract Administrator in relation to refurbishment of an exclusive restaurant where it was alleged that the works had suffered extensive delay and spiralling costs as a result of default on the Contract Administrator's part.
- Acting on behalf of developer against novated architect where it is alleged the defective roof design resulted in water ingress necessitating wholesale replacement of the roofs to four office blocks.
- Acting on behalf of Contract Administrator in relation to the redevelopment of retail premises where it was alleged that the Contract Administrator had failed in its duties as regards the drawing up of contract documents and the assessment of the contractor's entitlement to an extension of time, in consequence of which its employer was in breach of its obligations under the Agreement for Lease as between the employer and the ultimate landlord.
- Acting for homeowners against an architect who negligently issued a completion certificate having failed to identify a number of serious defects (both structural and architectural).
- Acting for a school in relation to the negligent design and procurement of works for a new cricket pavilion.
- Acting for a contractor in relation to a ground investigation report which failed to identify serious limitations in the ground conditions, which affected the piling design resulting in delay and additional costs where the structural engineers were also alleged to be at fault.
- Acting for a surveyor in relation to a Building Survey where it was alleged he had failed to identify structural defects.

Selected Cases

- *Upton McGougan Ltd v Bellway Homes Ltd* [2009] EWHC 1449 (TCC) – Considers the requirement for particulars of breach to be pleaded where professional negligence is alleged – relationship between statements of case and expert reports.

Property Damage

Anna is instructed regularly by insurers in relation to property damage claims, and she has particular experience in relation to fire and flood claims. She is co-author of *Construction Insurance and UK Construction Contracts* with Roger ter Haar QC and Marshall Levine, the 3rd Edition.

Examples of recent work include:

- Acting on behalf of floor cleaning specialist, in relation to a devastating fire at a property in Little Venice that caused £2 million worth of damage, the cause of which was in dispute. It was alleged that Anna's client negligently permitted water to escape from his floor cleaning activities into the switch panels below, which resulted in a resistive failure some seven days later. The claim was dismissed.

- Acting for insurer in relation to avoidance of insurance policy in consequence of insured's non-disclosure of a previous fire. Dispute concerns the interpretation and application of an insured's disclosure obligations under the Insurance Act 2015.
- Acting for an insurer on behalf of developer against novated architect where it is alleged the defective roof design resulted in water ingress necessitating wholesale replacement of the roofs to four office blocks.
- Acting for an insurer in relation to a claim arising out of a fire, where policy issues concerning the insured's intent as regards redevelopment of the site as at the date of the fire, where issues of fraud arise.
- Acting for insurer in relation to the successful defence of claim against service engineer whose acts / omissions were alleged to have caused fire. Led by Andrew Bartlett QC.
- Acting for insurer in relation to fire at a converted mill complex, which devastated entire building within hours of propagation. Claim in excess of £8million. Allegations of professional negligence against architect in relation to design (engineered fire solution, and detailing) and against architect and employer's agent in relation to supervision of works (settled at mediation).
- Acting for insurer in relation to claim for £8million arising out of a fire at a hotel refurbishment that was nearing completion.
- Acting for insurer in relation to claim for £600,000 where damage alleged to have been caused by the negligent design, manufacture and fitting of gas fires in a private London property. Arguments about causation and foreseeability of loss.
- Acting for insurer in relation to flooding of a hotel due to the failure of a push-fit plumbing fitting which resulted in losses in excess of £500,000.

Selected Cases

- Hiscox Insurance Company v Mr Ismail Oral (t/a Precious Marble) & TPN Electrical [2018] EWHC 3585 (TCC) – concerned cause of fire originating in switch panels that resulted in losses of £2m.
- Amsprop Ltd v ITW Ltd [2009] EWHC 2689 (TCC) – Concerned proof of cause of fire at Hard Rock Café, where competing causes alleged.
- Landfast (Anglia) Ltd v Cameron Taylor One Ltd [2008] EWHC 343 (TCC); 117 Con LR 53 – Concerns recoverability of damages where loss suffered by assignee rather than assignor.

Memberships

- COMBAR
- LCLCBA
- TECBAR

Recommendations

"Highly competent, capable, dependable and fantastic to work with. QC quality work and knowledge. Tougher than the rest."

Legal 500, 2022

"Extremely thorough and knowledgeable, wholly committed to the case at hand. Very impressive delivery"



in court and personable when dealing with instructing solicitors and clients"

Legal 500, 2021

"Anna is an exceptional construction barrister. She is highly responsive, pragmatic and commercial."; "She is extremely knowledgeable regarding construction and insurance issues, and also great to deal with."

Chambers & Partners, 2021

"Anna always gives clear and authoritative advice on case strategy. She has a calm and friendly demeanour."

Legal 500, 2021

"She is incredibly knowledgeable in construction disputes. I have been very impressed with both Anna's technical knowledge and legal advice."; "She is outstanding with clients and really puts them at their ease, giving a firm impression that she is on their side."

Chambers & Partners, 2020

"A highly regarded junior."

Legal 500, 2020

"In court she was superb: in control and very attentive to the judge's requirements."

Chambers & Partners, 2019

"Enthusiastic, hard-working and a tremendous team player. She rolls up her sleeves and gets involved. She's a very effective advocate...Proactive, commercial, clever and resourceful."

Chambers & Partners, 2018

"A fabulous lawyer, who is great with clients and very responsive...Great at cutting out the waffle and putting matters in the right order to achieve results in hopeless cases."

Legal 500, 2017

"She's quick to identify the commercial issues"; "as well as being a robust advocate she often finds the small point of detail which turns the case."

Chambers & Partners, 2016

"Her swift focus is unsettling for opponents and commands confidence in her submissions"; "she tailors her approach to the specific case with a view to achieve the best outcome for the client."

Legal 500, 2016

"She is a team player who is robust and decisive and who provides very clear in advice."

Chambers & Partners, 2015