



Richard Sage



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“Very hardworking and will dedicate himself to a case. He is always available to provide a guiding hand and his advice is invaluable.”
(Legal 500, 2021)



Richard Sage's practice is in the fields of construction, professional negligence, insurance, product liability, property damage and general commercial litigation / arbitration. Richard has substantial advocacy experience, and regularly appears in the High Court and Court of Appeal, both on his own and while being led. An increasing part of Richard's work is in the field of international arbitration, and he has considerable experience in arbitrations involving construction and engineering disputes on high profile projects.

In 2013 Richard was awarded a distinction in the MSc in Construction Law and Dispute Resolution at King's College London. In addition to his court practice, Richard is a co-author of Emden on Construction Law.

Construction & Engineering

Richard has established an extensive practice in the field of construction and engineering disputes. Richard acts for employers, contractors and sub-contractors, and related construction professionals. Richard undertakes drafting and advisory work, and regularly appears in the County Court, High Court (TCC) and Court of Appeal, both in his own cases, and as junior counsel. Richard is also instructed to act in adjudication and arbitration disputes. In 2013 Richard was awarded a distinction in the Kings College MSc in Construction Law and Dispute Resolution. Richard is a co-author of Emden on Construction Law. Richard is ranked in the Legal 500 for his work in construction law.

Selected Cases

- Acted for the main contractor in a substantial (£30M+) TCC claim arising out of alleged defects in the construction of a distribution centre.
- Acted (led by David Sears QC) for M&E contractors in a substantial dispute arising out of the construction of a college.
- Acted (led by Ben Quiney QC) in construction defects insurance dispute arising from various warranties provided on a multi-million euro asset purchase, which involve issues of Austrian law.
- Counsel for Highways England in several disputes arising out of construction of highways infrastructure.

- Counsel for M&E contractors in dispute arising out of installation and operation of energy efficiency technology in national supermarket chain.
- Counsel for electrical contractors in a TCC claim brought by two major British retailers in respect of the installation, commissioning, testing and certification of electrical switchgear.
- Acting for main contractors in a claim brought by sub-contractors following the overturning of a piling rig on a building site.
- Acted for design and build contractors of a school extension in a claim arising out of water ingress caused by alleged defects in the design and construction of the building.
- Acted for civil / structural engineers in claim for unpaid fees following design of bus depot. Involved issues of contractual interpretation and allegations of professional negligence.
- Acting for owners of a warehouse in a claim against design and build contractors arising out of defects in the design and construction of the roof.
- Acting for sub-contractors in a substantial TCC dispute arising out of underpinning works connected with a large basement extension in London.
- Acted for sub-contractors in c.£4m dispute involving allegations of defective piling / ground improvement leading to the settlement of a leisure centre.
- Acted for main contractors in a substantial TCC dispute concerning the termination of a large petro-chemical process plant.
- Acted for defendant in dispute arising out of damage caused to property as a result of building works, and effect of Party Wall Act.
- Acted for electrical contractors in substantial dispute involving allegations of defects in the design, supply, installation and commissioning of an off-shore windfarm.
- Acted for property owners in negligence claim against a leading British firm of gas engineers arising out of defective works that resulted in a flood.
- Acting for building contractors in a c.£400,000 claim following a fire at a listed residential property, involving allegations of negligent construction work and / or breach of contract.
- Acting for firm of architects in professional negligence claim involving allegations of negligent over-valuation of contractors' applications for payment.
- Acted for main contractor in a c.£1m final account dispute, including issues of offer and acceptance, acceptance of terms by conduct, and whether sub-contractor entitled to a quantum meruit.
- Acted for main contractor in enforcement of an adjudicator's decision involving arguments regarding (i) the scope of the slip rule, (ii) the effect of declaratory decisions in adjudications, and (iii) whether the adjudicator's jurisdiction extended to ordering sums to be paid to the respondent.
- Acted for sub-contractor in enforcement of adjudication decision involving issues of whether contract terms were incorporated by a course of dealing, and whether an oral contract was "evidenced in writing" for the purposes of s.107 Housing Grants, Construction and Regeneration Act 1996.
- Acted (led by Michael Curtis QC) as junior counsel for contractors in a £2m arbitration arising out of transport infrastructure refurbishment works. Disputes arising under NEC2 included (i) the consequences of a contractor failing to supply contractually compliant programmes; (ii) the impact of compensation events, and the contractor not notifying the project manager of the compensation events, and (iii) how the Fee, Actual Cost, and Price for Work Done to Date were to be calculated.
- Acted for building contractor in a dispute over the validity of an arbitration agreement and the employer's entitlement to a stay under s.9 of the Arbitration Act 1996.



International Arbitration

An increasing part of Richard's work is in the field of international arbitration. Richard has acted in a number of arbitrations on high profile civil and engineering projects across the Middle East, most recently in Dubai, Qatar and Saudi Arabia. Richard has experience of various different arbitral rules and seats of arbitration, and cases involving the law of Qatar and UAE.

Selected Cases

- Acting (led by Andrew Rigney QC) in several ICC arbitrations arising out of the construction of major industrial plant in Saudi Arabia, with a combined value exceeding £200M.
- Acted (led by Roger Ter Haar QC) for main contractors in a claim brought by the M&E subcontractor following delays to the construction of a landmark government building in a Middle East capital, including a substantial (US\$100M+) counterclaim.
- Advising contractors in relation to a dispute over delays to the construction of the corporate headquarters of high profile Dubai company.
- Acted for the Claimant building contractor in a final account dispute following the completion of a prestigious residential project, with a loss and expense claim exceeding US\$70m.

Insurance & Reinsurance

Richard has wide experience in insurance disputes, acting for and against insurers and brokers. Richard's work includes coverage disputes, as well as claims arising out of allegations of misrepresentation, non-disclosure, breach of warranty, and fraud. In addition, Richard frequently acts in professional negligence claims against insurance brokers arising out of (alleged) deficiencies in insurance cover. Richard is recommended in the Legal 500 for his work in insurance and reinsurance.

Selected Cases

- Acted (led by Ben Quiney QC) in construction defects insurance dispute arising from various warranties provided on a multi-million euro asset purchase.
- Acting for insurers following fire at residential property, allegedly due to arson by insured.
- Acted for insurance brokers in substantial professional negligence claim arising out of alleged non-disclosure of pending criminal charges.
- Acted for reinsurance brokers in claim arising out of non-payment of commission.
- Acted for insurance brokers in claim by property owners arising out of absence of flood insurance.
- Acted for insurers in coverage dispute re extent of indemnity under latent defects policy.
- Acting for insurers in coverage dispute arising out of non-disclosure of prior claims or circumstances relating to tax-liability insurance schemes.
- Acting for insurers in coverage dispute arising out of failure to notify insurers of potential claims prior to the inception of the policy, and breach of basis of contract clause.
- Acting for insurers in a motor insurance dispute where insurers have avoided a policy for material non-disclosure and misrepresentation when completing on-line questionnaire.
- Acted for defendant insurers in a TCC claim for an indemnity following the negligent design and

construction of underpinning to their premises. The insurers successfully argued that the policy was void for material non-disclosure (2010-11).

- Advising insured over potential claim against home insurers arising out of defective reinstatement works.
- *Genesis Housing Association v Liberty Syndicate Management Ltd* [2013] EWCA Civ 1173; [2013] Bus. L.R. 1399; [2013] B.L.R. 565; 151 Con. L.R. 81; [2013] C.I.L.L. 3417; [2013] 42 E.G. 124 (C.S.) – Acted for insurers in c.£460,000 claim for indemnity following the insolvency of the main contractor in large residential building project. Case involved breach of “basis of contract” clause, interpretation of insurance contracts, material non-disclosure, and lack of insurable interest.
- *Liberty Syndicate Management Ltd v Campagna Ltd* [2011] EWHC 209 (TCC); (2011) 27 Const LJ 275; [2011] All ER (D) 62 – Acted (led by Ben Quiney QC) in a claim by latent defects insurers against technical auditors. Acting for insurers in two high-value claims against claims handling agents for negligence / breach of contract in failing to manage claims properly leading to higher settlement terms.
- *Mohammed Ashfaq v International Insurance Company of Hannover Plc* [2017] EWCA Civ 327; [2018] Lloyd’s Rep. I.R. 228; [2017] H.L.R. 29 – Acting for insurers in claim following fire at residential property. Policy voided for material non-disclosure, breach of warranty and fraud.

Product Liability

Richard has a busy and successful practice in the field of product liability law, complemented by his extensive knowledge of the law relating to construction, insurance and professional negligence. He was led by Alexander Antelme QC, alongside David Myhill, in the ground-breaking metal-on-metal hips litigation (*Gee v DePuy International* [2018] EWHC 1208), and continues to act in relation to similar disputes in other jurisdictions. He is regularly instructed on cases involving complex engineering evidence, reflecting his background in construction claims.

Richard’s product liability practice means is complemented by his considerable experience in property damage claims. He was junior counsel in one of the leading decisions of the Court of Appeal on proving causation in fire claims (*Milton Keynes BC v Nulty* [2012] EWCA Civ 15), and is junior counsel to one of the defendants in the Clandon Park litigation, where a nationally important stately home was destroyed in a fire. Richard has acted for insurers of multiple defendants facing hundreds of claims for installing allegedly defective cavity wall insulation in homes across the UK, with a substantial combined value.

Richard’s practice means he is very familiar with coverage disputes relating to product liability claims, and therefore he regularly advises on the scope of indemnity provisions, exclusions, warranties, and on issues such as misrepresentation and non-disclosure.

Richard is recommended in Chambers and Partners and the Legal 500 for his product liability work.

Selected Cases

- Acted (led by Michael Spencer QC and Alex Antelme QC) for the successful Defendant in the landmark metal-on-metal hips litigation. *Gee v DePuy International Ltd* [2018] EWHC 1208 (QB); [2018] Med. L.R. 347
- Acting (led by Ben Quiney QC) for contractors in fire in large stately home alleging failure of fire

compartmentation caused by negligently designed and constructed lift shaft. Damages claimed in excess of £110m (TCC) (ongoing).

- Acted in a fire claim arising out of alleged defects in the construction of an electric fan, and allegations of negligent design (TCC).
- Acted (led by Alexander Antelme QC) the manufacturer in the claims concerning the ASR metal-on-metal hip implant.
- Acted in for claimants in a product liability action (c.£500,000) arising out of claims for defective hair treatment products.
- Acting for a major retailer in a TCC claim arising out of a fire in commercial property, allegedly caused by defects in a fridge.
- Acting for supplier of taps and other bathroom fittings, in substantial claim arising out of escape of water in a higher education college.
- Acting on behalf of residents of a block of flats in litigation arising out of a flood caused by defects in a domestic boiler (TCC).
- Acting for supplier of commercial milking machines alleged to have caused increased levels of mastitis in dairy herds (QBD).
- Acted for designer of parts of go-karts which led to serious fire in go-karting facility near Tower Bridge (TCC).

Professional Liability

Richard has a well-established practice in the field of professional negligence, particularly in cases involving construction (architects, engineers, and surveyors) and insurance. Richard is recommended in the Legal 500 for his professional negligence work.

Selected Cases

- Acted (led by David Sears QC) for M&E contractors in a substantial dispute arising out of the construction of a college.
- Acted in professional negligence claim against actuaries who had advised in matrimonial proceedings.
- Acted for solicitors in professional negligence claim arising out of failed litigation.
- Acted for property developers in a claim against civil engineers arising out of failure to detect presence of asbestos during a ground survey.
- Acted in several claims against LPA receivers and claims of sales of property at an undervalue.
- Acting for residential purchasers in a claims against conveyancing solicitors arising out of failure to obtain deposit protection insurance under NHBC.
- Acting for firm of architects in professional negligence claim in dispute over assessment of final account and allegations of failure properly to administer the contract.
- Acting for owners of a warehouse in a claim against design and build contractors arising out of defects in the design and construction of the roof.
- Acting for property owners in a claim against architects / project managers arising from a failure to carry out an effective restoration of a water damaged building
- Acting for firm of architects in claim involving allegations of negligent over-valuation of contractors' applications for payment.
- Acting for sub-contractors in c.£4m dispute involving allegations of defective piling / ground

improvement leading to the settlement of a leisure centre.

- Acting for Northern Rock in claim against solicitors firm, arising out of negligence in residential conveyancing.
- Acting for building contractors in a c.£400,000 claim following a fire at a listed residential property, involving allegations of negligent construction work and / or breach of contract.
- Acted in professional negligence claim against solicitors firm following negligent conduct of divorce proceedings resulting in dispersal of matrimonial assets.
- Liberty Syndicate Management Ltd v Campagna Ltd [2011] EWHC 209 (TCC); (2011) 27 Const LJ 275; [2011] All ER (D) 62 – Acted as a junior counsel in a three-week multi-million pound professional negligence claim against technical auditors under a latent defects policy.

Property Damage

Richard has a strong and established practice in the field of property damage and general commercial litigation. Richard's practice has a particular focus on recovery actions arising out of defective construction or engineering works, particularly fire-related claims involving technical expert evidence, but he also has significant experience in claims arising out of flood, subsidence and tree root damage.

Selected Cases

- Acting for contractors in fire in large stately home alleging failure of fire compartmentation caused by negligently designed and constructed lift shaft. Damages claimed in excess of £110m (TCC) (ongoing).
- Acting for contractors in claim arising out of fire at a care home due to alleged errors in construction of fire stopping and partitioning (TCC) (ongoing).
- Acted in a multi-party TCC dispute in claim arising out of defects in the construction of a major distribution centre. Claimed in excess of £30m (TCC) (settled).
- Acted for contractors in property damage dispute following damage caused by a £10m basement excavation in Chelsea (TCC) (settled).
- Acted (led by Andrew Rigney QC) in a substantial claim (exceeding £10m) following a major fire in a west London hospital.
- Acted for main contractors in a claim brought by sub-contractors following the overturning of a piling rig on a building site.
- Acting for building contractors in a c.£400,000 claim following a fire at a listed residential property, involving allegations of negligent construction work and / or breach of contract.
- Acted for defendant in dispute arising out of damage caused to property as a result of building works, and effect of Party Wall Act.
- Clapham v Peacock (t/a Allflames) [2018] EWHC 518 (TCC)
- Balls Pond Securities Ltd v Express Water Tank & Mechanical Services Ltd [2016] EWHC 181 (TCC) – Acted for successful defendants in TCC claim arising out of a fire in a block of flats.
- Hicks v Coal Authority [2013] UKUT 388 (LC) – Acted for claimants in compensation claim against the Coal Authority following subsidence damage caused by long-wall mining in the vicinity.
- Milton Keynes Borough Council v Nulty & NIG [2013] EWCA Civ 15; [2013] 1 WLR 1183; [2013] BLR 134; [2013] Lloyd's Rep. I.R. 243 – Acted (led by Andrew Rigney QC) in a claim arising out of a substantial fire at a recycling centre in Milton Keynes. Appeared for the successful respondent on appeal on issues of causation.



Commercial

Richard is also experienced in general commercial claims arising out of the Sale of Goods Act and the Supply of Goods and Services Act and in claims involving the Unfair Contract Terms Act 1977.

Selected Cases

- Acting for claimants in claim arising out of a fire at a thatched cottage, and advising on possible claim against insurers under Third Parties (Rights Against Insurers) Act 2010.
- Acted in claim against major delivery company following loss of goods by theft during carriage.
- Acted for insurers on a coverage argument following a c.£2m fire at residential property. Key issues involved whether defendant was engaged in a “private pursuit” at time of fire, and if so whether covered by insurance policy, and application of Third Parties (Rights against Insurers) Act 1930.
- Acting for Imperial Tobacco Limited in a High Court claim against logistics and haulage companies following the theft of tobacco products. Claims include breach of contract, negligence and bailment.
- *Bhandal v HM Revenue & Customs* [2015] EWHC 538 (Admin); [2015] Lloyd’s Rep. F.C. 343 – Acted (led by Michael Kent QC) for HMRC in excess of £60m claim arising out of fraudulent evasion of VAT and excise duty.
- *Premier Waste Management Limited v Towers* [2011] EWCA Civ 923; [2012] B.C.C. 72; [2012] 1 B.C.L.C. 67; [2012] I.R.L.R. 73 – Acted as junior counsel in the Court of Appeal in a case involving the ambit of directors’ fiduciary duties and the extent of the no-profit rule.

Costs

Richard has an established practice in the field of costs law, and regularly appears at the Senior Court Costs Office. Richard acts principally on behalf of paying parties. Richard has considerable experience in attending detailed assessment hearings.

Selected Cases

- *Flatman v Germany; Weddall v Barchester* [2013] EWCA Civ 278 – Richard appeared (as junior counsel) for the successful Defendants in the leading Court of Appeal case on disclosure of funding arrangements and non-party costs orders against solicitors acting on a CFA.
- *Varsha Popat v Edwin Coe LLP* [2013] EWHC 4524 (Ch) – Richard is regularly instructed on cases involving disputes over CFAs, the validity and effect of Part 36 offers, and breach of the indemnity principle.
- *Mitchell & Denton v TH White Ltd & Another* – Richard has experience dealing with applications for relief from sanctions arising out of the failure to file costs budgets.



Qualifications

- BA History (First Class), Oxford University
- CPE (Distinction), City University
- BVC (Very Competent), BPP University
- MSc Construction Law & Dispute Resolution (Distinction)

Memberships

- Technology and Construction Court Bar Association (TECBAR)
- Society of Construction Law
- Adjudication Society
- Young International Arbitration Group
- Professional Negligence Bar Association
- Commercial Bar Association (COMBAR)
- London Common Law and Commercial Bar Association (LCLCBA)

Recommendations

"Richard is a class act and very knowledgeable. His key strengths from an international perspective are his ability to work as part of a team and his excellent tactical acumen. His advice is clear, concise, and commercially-minded."

Legal 500, 2022

"Richard's technical expertise is first rate, but his true strength is his ability to communicate complex technical legal issues in a manner which is readily understandable by the lay clients."

Legal 500, 2021

"A very responsive and thorough purveyor of sound, measured analysis. He is also very easy to deal with."

Chambers & Partners, 2021

"Very hardworking and will dedicate himself to a case. He is always available to provide a guiding hand and his advice is invaluable."

Legal 500, 2021

"His quiet confidence belies a sharp, keen mind and a steady, measured determination and focus that make him an incredibly reassuring and competent advocate to work with."

Legal 500, 2021

"He is tactically astute, responds quickly and has excellent drafting skills."

Legal 500, 2021

"He is exceptional and very highly regarded."

Legal 500, 2020

"He is sharp and focused and has an unassuming brilliance."



Legal 500, 2020

"He is very collaborative in his approach."

Legal 500, 2020

"Extremely sensible and a really good, safe pair of hands."

Chambers UK Bar, 2020