

## Hugh Saunders

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*“A class act, great on his feet”* – Legal 500 2020

*“... personifies cool, calm and collected ...”* – Chambers & Partners 2020

Hugh is a leading junior in **construction, engineering and technology disputes** who is described in the directories as *“considerably experienced”* yet *“down-to-earth and approachable”* and someone who *“quickly builds a rapport with clients and is a reassuring addition to any team”*. He also has significant experience in associated fields including **professional liability, property damage, insurance, bonds and guarantees, public procurement, injunctions, and insolvency**.

Hugh’s expertise is recognised in Chambers & Partners, where clients say that he is a *“junior with a rapidly growing reputation”* who is *“equally good on his feet as he is on paper”*, is *“very commercial and has excellent analytical skills”*, and gives advice that *“is first-class, comprehensive and answers the question”*. He is also listed as a leading junior for construction work in the Legal 500 and is ranked in Who’s Who Legal: Construction 2020 in their “Future Leaders” section as one of the world’s leading construction lawyers aged 45 or under.

Although he is usually instructed as sole counsel, Hugh is often led (by silks both inside and outside chambers) and he is increasingly instructed to lead more junior counsel on significant matters. Hugh has also been appointed to act as adjudicator in statutory and contractual adjudications.

A confident and persuasive advocate on his feet and on paper, Hugh regularly appears before the High Court (particularly in the TCC) and the County Court. He also has extensive experience in adjudications (including enforcements in the High Court) and in domestic and international arbitration. Hugh has acted for clients around the world, including in the Caribbean, China, Europe, Kazakhstan, South Africa, Turkey and throughout the Arabian Peninsula, both on matters within the UK and within their own jurisdictions.

Clients describe Hugh as being *“very strategic and user-friendly”* and say that he is *“easy to work with, his drafting style is clear and precise and he just works well as an extension of the team”*.

Before returning to the Bar in 2014, Hugh practised for over seven years in the specialist construction groups at some of the world’s leading law firms, including White & Case and Nabarro (now CMS Cameron McKenna Nabarro Olswang), acting on a wide range of commercial matters and disputes. This background gives him a genuine understanding of the needs of his instructing solicitors and his clients’ commercial interests, and of the importance of finding practical, cost-effective solutions where possible, including alternatives to pursuing litigation, adjudication or arbitration. Hugh’s commercial experience means that he is still instructed to



advise on non-contentious matters including contract drafting and procurement and he is familiar with all the major standard-form construction contracts including the JCT, NEC, FIDIC and LOGIC forms and SOPC-based PFI contracts.

Hugh is the co-author (with Ben Patten QC) of *Professional Negligence in Construction* (2<sup>nd</sup> edition, Informa) and he writes the RICS iSurv materials on Contract Administration. He is also a member of TECBAR (serving on the committee between 2014 and 2018), the SCL, the Adjudication Society (and a former editor of the Society's newsletter), the PNBA and the BILA.

## Privacy Policy

Click here for a **Privacy Policy** for Hugh Saunders.

## Areas of Expertise

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### Construction & Engineering

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Hugh's recent and current cases include:

- *National Infrastructure Development Company Limited v Banco Santander SA* [2017] EWCA Civ 27, relating to the enforcement of US\$38m under letters of credit issued by Santander. The case determined the proper test on a summary judgment application to enforce on-demand securities. Hugh appeared for the Claimant in the Commercial Court ([2016] EWHC 2990 (Comm)) and the Respondent in Court of Appeal, led by Anneliese Day QC.
- *National Infrastructure Development Company Limited v BNP Paribas* [2016] EWHC 2508 (Comm), also relating to the enforcement of letters of credit. Hugh acted as junior counsel for the Claimant, led by Ben Patten QC.
- *BN Rendering Limited v Everwarm Limited* [2018] EWHC 2356 (TCC), appearing as sole counsel in respect of the enforcement of a number of adjudicators' decisions arising out of a series of sub-contracts across Scotland.
- *Noble Construction Limited v Wilson* [2019] EWHC 1907 (TCC), enforcing an adjudication decision as sole counsel, where the defendant sought to raise a number of jurisdictional and natural justice issues and also sought a stay of execution of the enforcement.
- Acting for the defendant architect in relation to a claim by the owners of the world-famous Selfridges building in Birmingham (led by Fiona Sinclair QC).
- Acting for the Respondent in an LCIA arbitration relating to the termination of a FIDIC contract for the construction of a new, US\$750m freeway in Trinidad (led by Anneliese Day QC).
- Acting for the claimant contractor in a highly complex delay and disruption claim arising out of the refurbishment of the Lanesborough Hotel in London (led by Anneliese Day QC and Ben Patten QC).
- Acting for the Main Contractor in a complex adjudication claim against one of its engineers arising out of a PFI roads scheme (led by Garry Borland QC).

- Acting for one of nine defendants in a £15m claim arising out of a fire in a block of flats in south-east England.
- Acting in a £12m adjudication claim relating to an offshore windfarm procured on the LOGIC form.
- As leading counsel, acting in a £2m claim relating to the defective design and construction of a new £4m private residence (leading Ian McDonald).
- Acting for the claimant consultant in a series of adjudications arising out of the construction of a new hotel in London. The claims raised issues of delay and disruption, and allegations of professional negligence.
- Acting for a sub-contractor in an adjudication claim over a £1.2m final account dispute arising out of an NEC sub-contract relating to a highway project (leading Ian McDonald).
- Acting for a housing association in a £7m dispute arising out of the termination of a number of PPC2000 contracts (leading Ian McDonald).
- As leading counsel, acting for an international engineering firm in relation to a series of payment disputes (leading William Harman).
- Acting for the claimant in a US\$20m arbitration relating to defects in the design, construction and maintenance of a luxury resort in east Africa.
- Acting for the claimant Main Contractor in a DIAC arbitration arising out of the construction of a new hotel in Abu Dhabi under a FIDIC contract.
- Advising a sub-contractor in Qatar in relation to termination and payment disputes arising under a letter of intent and FIDIC contract.

Commercial matters that Hugh has worked on, negotiating contracts or advising generally, include:

- Advising on, negotiating and drafting EPC contracts and finance agreements for a US\$2.2 billion petrochemical project.
- Negotiating and drafting FIDIC contracts for the design and construction of new concrete plants in Africa.
- Negotiating and drafting project agreements and construction contracts for a number of PFI waste-to-energy projects in the UK.
- Advising on and negotiating the finance and construction documents for a £400m regeneration project in central London.

## Professional Liability

Hugh frequently acts for claimants and defendants in claims involving construction professionals including architects, engineers, and surveyors. He is the co-author (with Ben Patten QC) of *Professional Negligence in Construction* (2<sup>nd</sup> edition, Informa), and a member of the Professional Negligence Bar Association (PNBA). Hugh also writes the RICS iSurv materials on Contract Administration.

Hugh's recent and current work in this area includes:

- Acting for the defendant architect in a claim by the owners of the world-famous Selfridges building in Birmingham (led by Fiona Sinclair QC).
- Acting for the employer in a claim against acoustic engineers arising out of the design of restaurant HVAC plant.
- Acting for the employer in claims against its architect and civil engineer in relation to negligent design of a housing development.
- Acting for the defendant architect in a claim relating to water ingress in a high-value new build residential property.
- Acting for a consultant accused of negligence in relation to the construction of a new hotel in London.
- Acting for the claimant employer in a claim against its architect and services engineer in relation to the residential conversion of a former office building.

## Public Procurement, PFI and related fields

Hugh is experienced in advising on issues arising out of all kinds of public procurement, having acted for local authorities, developers and contractors on PFIs (in the UK and internationally) and other projects involving the Public Contracts Regulations and Utilities Contracts Regulations. He has negotiated numerous project agreements and associated construction contracts under SOPC3 and SOPC4. His recent experience in this complex area of law includes:

- Acting for a key member of a consortium bidding for the MoD's £6-billion PFI for search and rescue helicopters and

advising on compliance with the bid procedures and the consequences following irregularities in the bid.

- Advising a local authority on the application of the public procurement rules to a proposed land-swap with a developer.
- Advising on the application of the Utilities Contracts Regulations to a proposed construction project at a gas terminal in South Wales.

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## Property Damage

Hugh has a well established practice in property damage cases, particularly where the damage is alleged to have occurred as a result of fire, water, or construction operations. Typically, Hugh is instructed as sole counsel in complex, multi-party disputes in the High Court where the other parties are represented by Silks or very senior juniors. Most of Hugh's cases in this field relate to residential developments and infrastructure works, and he has been instructed in relation to numerous cladding claims following the Grenfell disaster.

Hugh's recent cases in this field include:

- Acting for one of 10 defendants in a £22m claim by a property developer arising out of a fire in a development of over 450 homes.
- Instructed by an insurer in a complicated claim arising from a fire caused by damage to a buried electrical cable by a contractor carrying out water repair works.
- Acting for the contractor defendant in a £6m claim relating to a fire in a high-class residential apartment block in central London.
- Acting for the contractor defendants in a claim relating to damage to a sewer that was allegedly caused during a £200m PFI housing regeneration project.
- A £1m claim relating to water damage to electrical panels that were to be installed in a datacentre.

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- Acting for a key member of a consortium bidding for the MoD's £6-billion PFI for search and rescue helicopters and advising on compliance with the bid procedures and the consequences following irregularities in the bid.
- Advising a local authority on the application of the public procurement rules to a proposed land-swap with a developer.



NEW SQUARE

- Advising on the application of the Utilities Contracts Regulations to a proposed construction project at a gas terminal in South Wales.

## Information Technology

As a former software engineer, Hugh is able quickly to understand complicated technology issues and advise accordingly.

Hugh's experience in this area includes:

- Acting for the contractor on a £70-million claim arising out of a major technology installation and upgrade project relating to public infrastructure in central London.
- Advising a claimant software developer in relation to a dispute for non-payment of licence fees.
- Acting for the defendant software consultancy in relation to a claim for negligently failing to customise a sophisticated inventory management software package.

## International Arbitration

In addition to his court practice, Hugh also regularly acts in domestic and international arbitrations. His recent experience includes:

- Acting for the Respondent in an LCIA arbitration relating to the termination of a FIDIC contract for the construction of a new, US\$750m freeway in Trinidad (led by Anneliese Day QC).
- Acting for the claimant, an international defence contractor, in relation to a dispute about the termination of a hardware project.
- Acting for the respondent Main Contractor in an LCIA arbitration relating to the installation of sophisticated equipment at an airport.
- Acting for the claimant in an arbitration relating to a US\$20 million claim for defects in the design, construction and maintenance of a luxury resort in east Africa.
- Appearing on behalf of the respondent in an arbitration arising out of a £500,000 dispute about a profit share in a development agreement.
- Acting for the respondent in an arbitration relating to a £1 million claim relating to a complex refurbishment project in Clerkenwell.

## Qualifications & Memberships

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Hugh is a member of:

- TECBAR (The Technology and Construction Bar Association)
- The Society of Construction Law
- The Adjudication Society
- The Professional Negligence Bar Association
- COMBAR (The Commercial Bar Association)
- The British Insurance Law Association

Hugh served as a committee member of TECBAR between 2014 and 2018. He is a former editor of the Adjudication Society Newsletter.

Hugh is accredited by Gray's Inn as an advocacy instructor.

### Education

- LLB Law (First Class), University of Hertfordshire (awarded the A&R Woolf Scholarship for the top First in the year)
- BEng Software Engineering, University of Sheffield

## Insights

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## **Professional Negligence in Construction (2nd edition, Informa) (with Ben Patten QC)**