

## Siân Mirchandani QC

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*An excellent advocate – tenacious and extremely detailed, identifying potential problems and arguments even before they arise*

- Legal 500

**Siân Mirchandani QC has established a broad commercial practice encompassing construction/engineering, professional liability claims, insurance and disciplinary claims in court proceedings, arbitrations and adjudications.**

Siân has a particular interest in disputes involving construction, IT, technical and scientific elements and this has led to a strong construction/engineering practice and wide ranging experience in regulatory and experimental product testing claims.

Prior to her successful first application for silk in 2018, Siân was recognised as a Leading Junior by the directories for Construction, Professional Negligence and Disciplinary.

In Legal 500, 2019 Siân is described by her clients as *“an excellent advocate – tenacious and extremely detailed, identifying potential problems and arguments even before they arise”* and *“tremendously bright, has a tenacious eye for detail, and brings a new level of strategic thinking to the table”*.

In Chambers & Partners, 2019, Siân has been commended for her approach to her cases: *“She is very competent and thorough and hits the right points in the right places”*, *“extremely responsive wherever she is and whatever the time zone. She has a very reassuring demeanour that instils confidence all round”*, *“proactive, helpful”* and *“someone who prepares the case very well”*.

Who's Who Legal, 2019 says: *“Siân Mirchandani QC is recognised for her superb professional negligence practice.”*

Winner of Chambers & Partners 'Professional Negligence Junior of the Year' 2015. Previous directory comments from clients have included *“My default senior junior”* *“She can cut through the complex very quickly”* and *She’s very strong on complex matters.”* and *“She really gets into the detail and owns a case”*. Clients have described Siân as having *“a sharp mind and excellent attention to detail”*, and reported that *“she is excellent – very pleasant to deal with and extremely robust and effective for her clients.”* and *“a very effective, hard-working practitioner with an eye for detail and the ability to present a highly persuasive argument”* and *“The great thing about her is that on every occasion her advice is strong, firm and consistent, which allows us to get an excellent settlement.”* and *“Very bright, robust, dedicated and thorough”*.

Siân has wide and considerable experience of professional liability claims, including claims against accountants and auditors, architects, building inspectors, engineers, financial services professionals, insolvency practitioners, insurance brokers and agents, lawyers (solicitors and barristers), surveyors and valuers, receivers, land management agents, farm management agents, estate agents, clinicians and veterinary surgeons. Siân is a TECBAR accredited adjudicator.

Siân also has considerable experience of professional disciplinary tribunals (particularly architects and building inspectors),



arbitrations, adjudications and mediations. Having qualified from Cambridge University as a veterinary surgeon in 1992, Siân worked in academic and general practice as a veterinary surgeon before coming to the Bar and joining Chambers in 1998.

## Privacy Policy

Click here for a **Privacy Policy** for Siân Mirchandani.

## Areas of Expertise

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### Professional Liability

**“Provides easy to understand advice in a timely fashion.”** – *Legal 500, 2020*

**“She has always impressed and will thrive in silk.” “She knows the case inside out and backwards, and works incredibly hard.”** – *Chambers & Partners, 2020*

**“She is extremely intelligent and quick to grasp the points in a case, providing both legal and commercial advice. She is extremely approachable and is able to deal with difficult instructing clients with calmness and professionalism. Working with her is a pleasure.”** – *Chambers & Partners, 2020*

**“She is tremendously bright, has a tenacious eye for detail, and brings a new level of strategic thinking to the table.”** – *Legal 500, 2019*

**“She is very competent and thorough and hits the right points in the right places.” “Extremely responsive wherever she is and whatever the time zone. She has a very reassuring demeanour that instils confidence all round.”** – *Chambers & Partners, 2019*

**“Siân Mirchandani QC is recognised for her superb professional negligence practice.”** – *Who’s Who Legal, 2019*

Siân has considerable experience of claims involving professionals of all types. With her professional and scientific background, Siân relishes cases which involve scientific aspects or technical issues, and this has led to a strong practice in the Technology & Construction Court with instructions from a wide range of construction professionals including: architects, structural engineers, civil engineers, building surveyors, approved inspectors and project managers.

Siân has become known for adopting a commercial and problem solving approach which has led to instructions from employers, contractors and sub-contractors, and this ‘pure construction’ work complements her continuing construction professionals’ practice.

Siân has particularly developed a practice involving claims arising from design and construction of farm or agricultural buildings, where the combination of her veterinary background and her experience in construction claims as well as professional liability claims has given her clients a considerable advantage.

In recent years Siân has been involved in defending a number of high value claims against major firms of valuers in cases involving commercial properties packaged as ‘tax efficient’ investments in Germany, Denmark and the UK via securitisation transactions. These cases involved valuations using yields and estimates of rental income for hotels (*K/S Lincoln et al v CBRE Richard Ellis*); factory outlet centres (*Capita Alternative Fund Services & Matrix Securities v Drivers Jonas*); a large multi-use warehouse and department store in Germany (*Titan Europe 2006-3 Plc v Colliers International UK Plc*); a group of commercial buildings in London (*Whitetower 2006-3 Plc v Colliers International UK Plc*); a group of four substantial office buildings near the Tower of London (*LRC Holdings v BNP Paribas*).

Siân is regularly instructed on behalf of barristers and solicitors being sued by former clients who value her thorough and quick forensic analysis, followed by clear strategies to bring the claims to an early resolution. Recently Siân has pursued successful applications to strike out secondary litigation on the grounds of collateral attack on a prior court’s decision (*Ahmed v Clive D Wood*;



*Allsop v A Barrister*). Siân is currently defending the conveyancing solicitors who acted on a development of a nursing home, where clients 'bought' an interest in individual care suites; and is also defending the conveyancing solicitors who acted for purchasers of 'off plan' holiday homes in Cape Verde. Both cases involve groups of claimants bringing tens of claims.

Siân has wide ranging experience of acting on claims for and against accounting professionals for failure to advise on appropriate tax strategies. One recent case involves the accountant's failure to advise a commercial waste business to apply for Research & Development allowances against tax.

Apart from the main fields of professional liability, Siân has also been involved with claims concerning agricultural land agents' negligence and estate agent's negligence.

Siân particularly enjoys cases in all areas of her practice which involve working alongside solicitors, and other professionals, as part of an interchangeable team, dealing with vast amounts of documentation, e-disclosure, or claims involving large numbers of sub-claims and group actions.

Siân has experience of using electronic databases and e-documents, rather than conventional paper documents, and has been involved in an e-disclosure exercise in a major construction claim arising from a housing estate.

## Lawyers

Siân has acted in a very wide variety of lawyers' negligence claims, including lost litigation and other 'loss of a chance' and 'package of rights' claims (acting for and against both solicitors and barristers) including:

- Defending solicitor appointed as arbitrator from challenges under sections 24, 33 and 68 Arbitration Act 1996 & allegations of partiality.
- *Ahmad v Wood* [2018] PNLR 28 –striking out certain allegations for abusive collateral attack, which resulted in the claim value being dramatically reduced
- *Right to Buy* 'case managed' litigation – a large scale case managed litigation involving thousands of firms of solicitors. Siân acted for one of the Major Defendants, facing thousands of claims arising from their role as conveyancing solicitors acting for council tenants exercising their 'Right to Buy'. The litigation ended in discontinuance by the Claimants at the start of trial.
- *AIB Group (UK) Limited v Mark Redler & Co Solicitors* [2014] UKSC 58 – Supreme Court decision which confirmed that causation of loss must still be proved in a claim for equitable compensation for breach of trust, and the recoverable loss is confined to the loss actually caused by the breach of trust.
- *Arthur J.S. Hall v. Simons* [2002] 1 AC 615 – House of Lords' decision which considered the question of when an attack on a previous court's decision was an impermissible 'collateral attack'. This led to the abrogation of barristers' immunity from suit, a victory for Siân's clients (the defendant solicitors), who following this decision are now able to pursue a contribution from the barristers they had instructed.

Siân's wide ranging experience of lawyers' negligence claims includes:

- Pursuing strike out of claims by former clients against barrister acting in an unfair dismissal and discrimination claim
- Pursuing strike out of claims by former clients against solicitors acting on their ancillary relief claims alongside their divorce
- Acting for the claimant Government agency against lawyers advising and conducting disciplinary matters against teachers
- Multi-claimant litigation arising out of a failed development scheme in Cape Verde (re. Sambala) – defending the conveyancing solicitors from claims by purchasers of holiday homes 'off plan'
- Multi-claimant litigation arising out of a failed development scheme for a care home with assisted living apartments in Northamptonshire – defending the conveyancing solicitors.
- Incorrect advice on planning permission requirements
- Claims arising out of mismanagement of adjudication proceedings.
- Loss of litigation / under settlement



Scope of solicitor's duty to client when more than one professional advisor.  
Collateral attacks on existing judgments  
Wasted costs applications

Sian's recent cases are profiled below.

## Cases

- **AIB Group (UK) plc v Mark Redler & Co**  
Siân acted on behalf of the defendant solicitor at all levels. The case upheld that causation of loss must still be proved in a claim for equitable compensation for breach of trust, and the recoverable loss is confined to the loss actually caused by the breach of trust.
- **Defending a firm of solicitors**  
Defending a firm of solicitors for allegedly negligent advice on renewal of a mixed residential/commercial lease.
- **Defending various solicitors**  
Defending various solicitors instructed on a wide or limited basis for alleged negligence in ancillary relief settlements and consent orders following divorce.
- **Lenders' claims against solicitors**  
Lenders' claims against solicitors for failing to report irregularities on mortgage funded property purchases
- **Various claims involving alleged conveyancing errors**  
Various claims involving alleged conveyancing errors
- **Various claims against solicitors and barristers**  
Various claims against solicitors and barristers acting and advising on matrimonial/ancillary relief matters including issues over pension sharing, company valuations, inadequate disclosure; contact disputes; consent order terms, agreements and Court's approval
- **Claim against a large commercial firm**  
Claim against a large commercial firm for alleged errors in drafting of settlement agreement
- **A claim concerning negligent advice**

A claim concerning negligent advice to administrative receivers on sale of assets

- **Siân Mirchandani QC**  
Acting for a barrister sued following unsuccessful claim in ET. Pursued strike out for collateral attack on Tribunal Decision.

## Accountants, Auditors & Actuaries

### Accountants, auditors & actuaries

Siân has wide ranging experience of acting for and against accountants, auditors and tax advisers (particularly high net worth individuals' tax deferral and avoidance schemes involving film finance, or other bespoke investment products).

Siân has acted for and against accountants including the following cases:

- Acting for accountants alleged to have negligently prepared accounts for a dissolving partnership
- Acting against accountants alleged to have failed to advise correctly about ‘research & development’ tax relief for a waste management company
- In a lost litigation case against accountants for negligent advice on payment of VAT for EU cross border business activities, resulting in company insolvency
- Acting against accountants who advised a ‘Lloyds name’ negligently about tax mitigation
- Acting on the disclosure exercise for the Chase Manhattan Bank v HIH Insurance. The various pieces of this litigation, which centred on particular ‘film slates’ came to involve teams from

## Cases

- **Acting for accountants**  
Currently acting for accountants alleged to have negligently prepared accounts in the context of a farming partnership dissolution.
- **Acting on a high value ‘lost litigation’**  
Currently acting on a high value ‘lost litigation’ case involving underlying accountants’ negligent advice for payment of VAT for cross borders’ business activities leading to company insolvency.
- **Professional disciplinary proceedings**  
Professional disciplinary proceedings arising out of allegedly negligent advice on tax planning
- **Acting for various accountants**  
Acting for various accountants on negligent tax advice allegations.
- **Acting on behalf of a former Lloyds’ name**  
Acting on behalf of a former Lloyds’ name in a claim against accountants for negligent tax mitigation advice
- **Chase Manhattan Bank v HIH Insurance**  
The various pieces of this litigation, which centred on particular ‘film slates’ came to involve teams from many of London’s largest firms of solicitors, and included an enormous disclosure exercise.

## Financial Services Professionals

Sian has experience of claims against independent financial advisers, including:

- Recently acted for defendant financial advisers in a secure capital bond mis-selling claim.
- Claims involving tax avoidance schemes involving film finance
- Pension mis-selling claims.
- Investment mis-selling and client mis-classification claims
- Insurance mis-selling claims.
- Acting on an appointed representatives’ claim brought under the Commercial Agents(Council Directive) Regulations 1993 against the represented insurers.

Sian’s recent experience includes acting on a claim concerning alleged misadvice on a tax avoidance scheme involving film finance.

## Insurance Brokers & Agents

Sian has acted for a number of the prominent insurance broking practices. She has also represented clients against their former insurance brokers in claims concerning selling unsuitable products, failing to advise of necessary products, failure by broker and/or client to give material disclosure to insurer; claims concerning a chain of brokers: introducing, producing, placing brokers, and their respective liabilities to insured and insurer. Sian is often instructed in multi-party disputes where both insurers and brokers are defendants.



Sian's experience in this area includes the following cases.

## Cases

- **Acting for a ship owner against insurance broker**  
Acting for a ship owner against insurance broker for misplacement of risk via an introducing broker and failure to advise of a premium warranty clause.
- **Acting in a trial concerning an insurance broker**  
Acting in a trial concerning the insurance broker's role as agent for passing on information relating to a claim and advising client as to whether an "event" within the policy had occurred.
- **Advising a leading insurance brokerage**  
Advising a leading insurance brokerage on a potential claim arising from a dispute over premium refund on a hotels' package commercial combined insurance policy.
- **A claim involving insurers' avoidance**  
A claim involving insurers' avoidance due to breach of 'deep fat frying' warranty where breach was due to nature of construction of the building housing the restaurant business.
- **A dispute amongst brokers**  
A dispute amongst brokers in the broking chain over obligations to review incorrect policy documentation for a property portfolio.

## Surveyors & Valuers

Sian is regularly instructed to act on behalf of surveyors and valuers, and has recently been defending a number of claims brought by lenders, as well as pursuing valuers when acting for lenders and solicitors in claims arising out of mortgage transactions.

Sian has a full range of experience of:

- Claims brought by lenders
- Claims concerning overvaluation of properties including farms and commercial valuations based on rental income and yield.
- Structural survey claims, e.g. failure to detect defects; failure to detect and advise on additional parts; failure to advise of need for additional specialist surveys; failure to advise property based on red shale foundations; property development overvaluations.
- Claims involving new build properties involving NHBC and other 'structural' guarantee policies of insurance

Sian has been instructed in a large number of high value claims against valuers, and is familiar with the valuation methodologies in commercial property valuation for investment purposes and lending practices involved in securitisation transactions and portfolio lending. Sian was instructed in high value claim brought by a securitisation vehicle 'SPV' concerning the valuation of a commercial property in Germany and has recently been instructed in another high value claim concerning the valuation of a portfolio of London commercial properties valued at c. £1.5b.

She is a leading junior for this area of work having been instructed in the main cases which are now cited in this area that are outlined below.

## Cases

- **Titan (Europe) 2006-3 plc v Colliers**  
The Court of Appeal overturned the decision of Blair J (reported at [2014] EWHC 3106, (Comm)), that the defendant valuer had negligently overvalued a large commercial property in Germany, for the purpose of inclusion in a portfolio of loans to be securitised by Credit Suisse. For a more detailed note on this case, written by instructed counsel, please [click here](#).



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- **Capita Alternative Fund Services & Matrix Securities v Drivers Jonas**  
A claim concerning valuation of a factory outlet centre in Kent.
- **K/S Lincoln; K/S Chesterfield; K/S Wellingborough v CB Richard Ellis Hotels Ltd**  
Coulson J, in the successful defence of claims concerning hotel valuations brought by Danish property owning vehicles.

## Construction Professionals

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## Veterinary Surgeons

Experience of acting on claims against veterinary surgeons, and in defending such claims and in disciplinary matters. Particular experience of claims concerning food production animals; milk production and milk losses; equine loss or amenity value claims; loss of opportunity (prize money in racing, show jumping).

## Disciplinary

**"Her calm and authoritative manner inspires confidence in clients."** – *Legal 500, 2020*

**"Well organised, with a good understanding of clinical issues in cases."** – *Legal 500, 2019*



Siân has a significant practice in defending professionals before professional disciplinary bodies, including ARB, RIBA, ACCA, ICAEW, RICS. Siân is a former member of the Disciplinary Panel for the Council of the Inns of Court which is concerned with barristers' conduct and service issues, and was also part of a working party advising the RCVS and drafted the RCVS' current guidance on the roles of expert witnesses.

Siân has advised on and appeared many times before ARB panels defending architects against a range of complaints including: failure to maintain professional indemnity insurance; letter of engagement or appointment issues; failure to administer the contract; contractual issues; retrospective fees; claims on householder's building insurance and CAR policies, etc

## Cases

- **Defending an architect before the RIBA**  
Defending an architect before the RIBA on charges of breach of copyright and supplanting resulting in no sanction.
- **Defending architects**  
Defending architects following complaints regarding project management of domestic residential construction or renovation projects, as a preliminary to a civil court claim, with the result the claim has not been pursued at all.
- **Successfully defending a veterinary surgeon**  
Successfully defending a veterinary surgeon before the disciplinary panel of the RCVS.
- **Successfully appealing a decision**  
Successfully appealing a decision of the examination body of the RCVS in relation to post-graduate qualification.
- **Defending accountants before the ACCA**  
Defending accountants before the ACCA, on a number of claims arising out of allegedly negligent tax advice re. domicile; alleged falsification of dates on company return documents.
- **Defending an insolvency practitioner**  
Defending an insolvency practitioner before the ICAEW on various claims arising out of an administration.

## Construction & Engineering

**“Tenacious, with a sharp and incisive legal mind.”** – *Legal 500, 2020*

**“She always gets straight to the key legal points. She provides good, clear written advice and is excellent on her feet. She has a well-earned and deserved reputation as a construction specialist.”** – *Chambers & Partners, 2020*

**“An excellent advocate – tenacious and extremely detailed, identifying potential problems and arguments even before they arise.”** – *Legal 500, 2019*

**“Proactive, helpful” and “someone who prepares the case very well.”** – *Chambers & Partners, 2019*

Siân has wide experience of advising and acting for employers, contractors and sub-contractors in disputes brought in the London and regional Technology and Construction Courts, as well as Northern Ireland including:

- Acting for the 80 plus Claimant flat owners in a London tower block against the developer and contractor for losses due to a cladding installation which did not have fire retardant properties, in breach of the building regulations, and the Defective Premises Act 1972
- Advising employer on early termination of long term maintenance contracts
- Defending contractor's claim against specialist screed flooring sub-contractor relating to design responsibility issues for floor installed in a care home.
- Defending Employer's claim against contractor for design defects relating to glass façade and M&E installation at a tertiary education college.



- Contractor's claim against sub-contractor installing flooring to a building constructed for the London Olympics: NEC3 contract, issue over whether the adjudication clause was effective.
- Claims arising from detachment of cladding panels from university buildings where installation design had been amended on site
- Contractor's claims against employer for non-payment and repudiation following internal offices fit out contract
- Contractors' claims against employers in large scale construction and re-furbishment contracts concerning government department and educational buildings.
- Contractor's claims against project manager following discovery of defects in demountable buildings in various schools.
- Acting for housebuilder in respect of a group action pursued by home owners arising from defective piling on a large housing estate.
- Employer's claims for early termination of multi-year NEC3 Term Service Contracts
- Employer's claim against project manager and main contractor in construction of process plant including design, management and delay issues.
- Employer's claim against designer, project manager and contractor for negligent design and construction of a commercial showroom.
- Employer's claim against specialist contractor for excessive noise resulting from plant installation for a swimming pool complex.
- Developer's consequential claims against a series of architects for planning breaches in construction of new care home
- Developer's claims against consulting engineers arising out of the heating installation for a multi-unit residential development
- Defending warranty and other claims brought against architect – designer of a multi-use commercial City centre development
- Defending counterclaim against architect brought by housing development company alleging oversized properties were designed

## Residential

- Considerable experience of residential construction disputes advising and acting for employers, architects, contractors and sub-contractors involving:
  - Failures to advise on guarantees and certificates on a recently refurbished building
  - Failures to comply with design brief
  - Planning breaches resulting in enforcement action
  - Overrun on costs
  - Disciplinary actions following complaints
  - Disputes arising in construction of new replacement building following fire destruction of original listed building

## Adjudications

- Considerable experience with adjudications including:
  - Defending civil engineers facing claim for failure to detect a live drain across a housing estate construction site.
  - Defended a claim by a developer against the employer's agent for calculation errors in certificates
  - Delay and claims for expense and loss of profit arising from alleged loss of contracts for construction and refurbishment of tertiary education buildings
  - Claims brought by liquidator following contractor's insolvency
  - Acting for large contractor against subcontractor concerning final account following the installation of a flue gas desalination plant at a power station.
  - Multiple disputes referred to single adjudicator.
  - Passing claims down chains of adjudications following total destruction of a bespoke wooden building by fire
  - Claims brought by M&E main contractor against sub-contractors and consulting engineers
  - Claims brought by steelwork contractors against consulting engineer/designers for underscale design in a supermarket building
  - Claim by interior fitting out sub-contractor against contractor based overseas

## Insolvency context:

- Advising insurers of insolvent main contractor on joinder to the construction dispute to pursue an active defence whilst reserving insurers' defences under the insurance policy.
- Advising insurers of architect on pursuit of Part 20 contribution proceedings against sub-contractor via assignment of cause of action from contractor (in liquidation)
- Advising large contractor on pursuit of claims under the Third Party (Rights Against Insurers) Act 1930, against a concrete subcontractor (for defective slipform design, delay and expense) following sub-contractor's insolvency
- Acting for insurers facing claim under 1930 Act following explosion and fire at steel fabrication plant
- Advising and acting for insurers seeking to join action brought against insured following insolvency
- Advising and acting for excess layer insurers in defending claim under Third Party (Rights Against Insurers) Act 1930, arising from construction of a supermarket

#### Specialist & unusual buildings:

- Advising insurers on a claim due to knotweed contamination of a construction site by a ground clearance contractor
- Employer's claim against planning and design architect for failure to advise adequately on budget for a **'Grand Design' type conversion of a dis-used water tower.**
- Employer's claim against design architect following delays and budget overrun on **premier league football training facility**
- Acting for a waste recycling company in a claim concerning recovery of payments made to a Dutch company for construction of a **waste recycling plant** following its insolvency.
- Advising a Japanese plant engineering company in respect of claims proposed against the project manager and contractors for an **engineering project based in Eire.**
- Employer's claim against contractor and architect for negligent design and construction of a **swimming pool complex** (arbitration and adjudication)
- A claim by a farmer against a local authority landlord concerning the **negligent farm design** by a farm designer engaged by the local authority
- Acting for design and build contractor (and insurer) in a claim concerning deficient **installation of cow cubicles** resulting in injury, lameness and loss of production.
- Defending developer's claim against architect arising from window design for high-end **beachside property**
- Acting for sub-contractor (M&E) in defence of claim for indemnity arising out of alleged flue fire in a **completely wooden residential building**

#### Fire, flood nuisance, subsidence & Rylands & Fletcher

- Advising insurers on routes of recovery following failure to install fire stopping and cavity barriers in a newly refurbished aparthotel development
- Advising insurers on routes for recovery following failure of cavity barriers to contain fire in newly built and refurbished building
- Advising insurers on investigations and routes for recovery following catastrophic gas boiler explosion in block of flats in Kensington
- Advising insurers on claims arising from spread of fire following pipework soldering by metalwork sub-contractor
- Advising and pursuing claims by insurer under Contractors' All Works policy following fire during refurbishment of a nightclub
- Advising insurers on routes of recovery following fire in fast food restaurant
- Advising insurers on routes of recovery following fire in wooden building housing a restaurant
- Advising and pursuing claims following Buncefield explosion
- Acting for designing mechanical engineer defending a claim by M&E contractor following fire in back up power system installed during commercial property refurbishment
- Advising insurers on claims following explosion of a food waste digester
- Numerous subrogated tree root subsidence claims brought by household contents' insurers, including Tree Preservation Orders, planning permission application and appeal from decision.
- Numerous subrogated claims by residential household insurers against contractors:
  - Following poor installation of sanitary ware leading to leak claims.
  - Of adjoining construction of housing estate where re-profiling led to water run-off and inundation of adjoining houses.

## Cases

- **Elaine Naylor & Ors v (1) Galliard Homes LTD (2) Roamquest LTD (3) Galliard Construction LTD (2019)**  
Acting for the 80 plus Claimant flat owners in a London tower block against the developer and contractor for losses due to a cladding installation which did not have fire retardant properties, in breach of the building regulations, and the Defective Premises Act 1972.

A claim form had been issued to protect the limitation position, the court stayed the proceedings for four months to enable the pre-action protocol process to be completed and extended time for service of the particulars of claim.

## Commercial Dispute Resolution

Siân undertakes a wide range of commercial work, including general and international commercial litigation, personal and corporate insolvency, commercial contractual claims. Siân has experience of pursuing freezing injunctions and pre-action disclosure applications.

Siân recently defended a software developer and two companies against claims of alleged overcharging, fraudulent misrepresentation and deceit, procuring or inducing a breach of contract and conspiracy to injure by unlawful means.

Examples of Siân's work in this area are included in the cases section below.

## Cases

- **Advising on claim for alleged negligence**  
Advising on claim for alleged negligence in conduct of laboratory testing as part of a pharmaceutical product licence application; pursuit of lost opportunity to obtain pharmaceutical product license; loss of market lead.
- **Defending farm food supplier in a claim**  
Defending farm food supplier in claim for alleged contamination of animal feed leading to herd deaths and loss of profit.
- **Defending farm nutrition adviser in a claim**  
Defending farm nutrition adviser in claim for allegedly negligent advice about feeding to a pedigree closed herd.
- **A claim for recovery of payments**  
A claim for recovery of payments made to a Dutch company for waste recycling plant, following the Dutch company's insolvency.
- **A claim against US events lighting company**  
A claim against US events lighting company for recovery of fees due to a consultant engaged to assist in acquiring contracts for the Olympic Games at Athens 2004.
- **A fraud claim against property development company**  
A fraud claim against property development company arising out of avoidance of sale on contracts for apartments.
- **A dispute concerning liability of insurers**  
A dispute concerning liability of insurers under the Third Parties (Rights Against Insurers) Act 1930.
- **A dispute under the National House Building Council 'Buildmark' scheme**  
A dispute under the National House Building Council 'Buildmark' scheme.
- **A claim for damage to business**  
A claim for damage to business following disruption of telecommunications' cables.



NEW SQUARE

- **A claim for consequential losses and damage**  
A claim for consequential losses and damage caused by supply of defective cattle feed.
- **Advising Scottish Power plc**  
Advising Scottish Power plc in respect of injunctive proceedings brought by new occupier

## **Property Damage**

Siân has considerable experience of commercial claims, particularly claims involving fires and destruction of commercial and residential property (and contents). Alongside her insurance and reinsurance practice, Siân is regularly instructed in insurers' subrogated claims following fires.

Current and recent cases are included below.

### **Cases**

- **Advising insurers**  
On routes for recovery for claim involving failure of cavity barriers in newly built and refurbished building leading to fire spread.
- **Advising supplier**  
Of electronic components used in emergency vehicles on claims arising from fire in a vehicle, including negotiating 'joint defence' agreement with US manufacturer.
- **Advising insurers**  
Advising insurers of a management company on investigations, routes of claim and pursuit of subrogation following a gas boiler explosion leading to severe damage to a block of flats in Knightsbridge.
- **Advising insurers**  
Advising insurers on a spread of fire claim.
- **Advising and defending insurers**  
Advising and defending insurers of a supplier of medical equipment implicated in a residential fire involving dependency claims under the Fatal Accidents Act 1976 and building and contents' claim, as well as international product liability and warranty claims against the manufacturer.
- **Advising and defending insurers**  
Advising and defending insurers under a Contractors' All Works policy following a fire during refurbishment of a leisure club.
- **Advising two separate arms of the same multi-national insurance company**  
Advising two separate arms of the same multi-national insurance company as to the meaning and operation of design and operator error exclusions following damage of a food waste digester due to process 'run away' leading to over pressurisation damage.
- **Advising a local authority's insurers**  
Advising a local authority's insurers on expert technical evidence obtained following a fire in a garage that implicated a converted minibus as the cause of the fire, involving claims 'up the line' against manufacturers, suppliers and installers of the wheelchair lift fitted to the vehicle.
- **Advising and defending household insurers**  
Advising and defending household insurers of residential property adversely affected by run-off of water from adjoining re-profiled building site, resulting in severe inundation of the property.



## Insurance & Reinsurance

Sian has wide ranging experience of advising and acting for both insurer and insured on claims concerning policy construction and coverage issues. As part of her insurance brokers' negligence practice Sian is often instructed in claims where the insurer is the co-defendant, following avoidance of a policy.

Sian's recent cases and experience of claims in this area are included below.

### Cases

- **Advising professional indemnity insurers**  
Advising professional indemnity insurers on a successful claim for reimbursement under a Minimum Terms policy from an insured for material non-disclosure and late notification.
- **Acting for excess layer insurers**  
Acting for excess layer insurers who successfully avoided cover and a claim under the Third Party (Rights Against Insurers) Act 1930 in a multi-million pound multi-party insurance dispute arising from the construction of a supermarket
- **Advising on proposed wording of policies for public liability**  
Advising on proposed wording of policies for public liability in public houses and nightclubs, advising on vicarious liability claims.
- **Advising and acting for insurers**  
Advising and acting for insurers of domestic and commercial properties on claims raised, accepting and declining cover, policy repudiation in public liability, fire, explosion and domestic insurance situations, including subsidence and tree root claims.
- **Claims concerning legal expenses insurance**  
Claims concerning legal expenses insurance, conditional fee agreements and success fee uplifts, pursuit policies and premiums and material non-disclosures to insurers leading to insurers accepting cover in respect of undisclosed liabilities.
- **Acting in a variety of multi-party disputes**  
Acting in a variety of multi-party disputes concerning film finance insurance (contingent expenses insurance and time variable contingent policies).
- **Acting in claim for payment**  
Acting in claim for payment under health cover plan concerning reference to the Insurance Ombudsman.
- **Advising insurers**  
Advising insurers on a 'spread of fire' claim.
- **Advising insured on claim**  
Advising insured on claim for undersettlement and errors in loss adjustment following a flood claim.
- **Advising professional liability insurers**  
Advising professional liability insurers on wholesale declinature of cover due to dishonest structural scheme.

## Chancery

Sian has experience of a variety of chancery matters. These include the cases below.

### Cases

- **Advising and acting for Trustees**  
Advising and acting for the Trustees of the Independent Living Funds (1993 and the Extension Fund), in matters concerning the



NEW SQUARE

interpretation of the founding trust deeds, drafting of new trust deed, claims against local authorities and clients for recovery of overpayments.

- Pursuing an extended *Grepe v Loam* order  
Pursuing an extended *Grepe v Loam* order (*Ebert v Venvil*) to restrain a persistent litigant-in-person from issuing further proceedings out of High Court, County Court, Bankruptcy Court, including defending defamation claims.
- Acting for mortgagees on enforcement of mortgages  
Acting for mortgagees on enforcement of mortgages.
- Application for committal to prison for contempt.  
Application for committal to prison for contempt.
- Acting in landlord and tenant claims  
Acting in landlord and tenant claims (both residential and commercial).

## Qualifications & Memberships

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Siân is a member of the Professional Negligence Bar Association, the Society of Construction Law, COMBAR, TECBAR, the Chancery Bar Association and the London Common Law & Commercial Bar Association. She is a Committee Member of the Technology and Construction Court Bar Association (TECBAR).

### Education

M.A. Vet M.B. (Cantab.) Dip. Law (City)

## Insights

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### Surveyors and Valuers chapter of Professional Negligence and Liability

1 September 2018