

Siân Mirchandani QC

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Silk: 2019

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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

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.

Qualifications & Memberships

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



NEW SQUARE

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

Insights

Surveyors and Valuers chapter of Professional Negligence and Liability

1 September 2018