

OUR PEOPLE

Siân Mirchandani KC, FCI Arb

CALL 1997

SILK 2019

LEGAL 500

“Siân is ferociously bright. She is unerringly logical, and nobody can defend a claim with more robust defiance and grit. Her manner and approach inspire confidence, trust and complete reassurance. She was born to be a high flying barrister.”

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“Siân is an intellectual giant and she inspires confidence in all she does. She is tenacious and hard-working, she gains the confidence of the client and she’s a very good communicator.” – Chambers & Partners, 2023

“Siân is a stellar advocate. She is highly articulate and tenacious, and is excellent in cross-examination. She is always very prepared and completely on top of the facts.” – Legal 500, 2023

“Siân is always on top of the details of a case and is excellent in the way that she leads a team of lawyers and experts on a case. This means that time is used to the best effect, and that clients take a great deal of confidence from the advice that she gives.” – Legal 500, 2023

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“An insightful silk who is quickly able to master technical details, and is utterly tenacious in fighting for her client. If you want someone to get the best for a client backed into a corner, she would be a marvellous choice of advocate.” – Legal 500, 2022

“A very practical barrister; she’s good on the law but she also looks beyond the pure legal points in terms of strategy, where we want to end up and how to negotiate.” “Excellent – she has the ear of the court and is always really well prepared.” – Chambers & Partners 2022

“She is terrific, technically very good, gets into the detail and has excellent written and oral advocacy.” “She offers a robust analysis of a case as well as excellent trial advocacy.” – Chambers & Partners 2022

“A hard worker and good fighter for her clients who is good on detail.” – Chambers & Partners 2022

“Siân Mirchandani QC is “a very effective silk” who “commands the confidence of the court”, excelling in professional negligence claims arising from large scale construction projects.” – Who’s Who Legal, 2022

“Siân Mirchandani QC comes highly recommended by peers as “a really impressive silk who is in complete control of the material”. Her “ability to maintain the confidence and trust of the court” is further applauded.” – Who’s Who Legal, 2022

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.

A particular interest in disputes involving construction, IT, technical and scientific elements has led to Siân's strong construction/engineering practice. Siân is accomplished at dealing with complex professional negligence claims and is often instructed in group actions against professionals. Siân also has experience in regulatory and experimental product testing claims, arbitrations and adjudications.

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.

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. Qualified as a TECBAR accredited adjudicator. Fellow of the Chartered Institute of Arbitrators.

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.

Expertise

Professional Liability

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"Siân Mirchandani QC is "a very effective silk" who "commands the confidence of the court", excelling in professional negligence claims arising from large scale construction projects." – Who's Who Legal, Professional Negligence 2022, Tier 3

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"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, Employer’s Agents and project managers.

Siân has become known for adopting a commercial and problem-solving ‘can do’ approach which has led to instructions on complex cases from employers, contractors and sub-contractors, as well as insurers and professionals. Her ‘pure construction’ work complements her continuing construction and property professionals’ practice.

Siân has particularly developed a practice involving claims arising from design and construction of unusual buildings, and 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.

Siân was instructed on a number of high value claims against major firms of valuers involving commercial properties packaged as ‘tax efficient’ investments in Germany, Denmark and the UK via securitisation transactions (‘commercial mortgage backed securities’ CMBS). These cases involved complex valuations using yields and estimates of 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.

Siân has wide experience of group action claims against solicitors who acted on ‘right to buy’ schemes and developments where clients ‘bought’ leasehold interests in individual units (e.g. rooms in student accommodation, care home suites, hotels rooms, ‘off plan’ holiday properties) both in the UK and abroad.

Siân has wide ranging experience of acting on claims for and against accounting professionals for various failures to advise on appropriate tax & VAT strategies (e.g. film partnerships, VAT schemes, Research & Development allowances).

Siân has experience of claims involving land agents, estate agents, and claims under the Trusts of Land and Appointment of Trustees Act 1996.

Siân particularly enjoys cases in new fields and jurisdictions, and 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 is very familiar with cases involving use of electronic databases and e-documents, rather than conventional paper documents.

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).

Featured cases

- *X v Y* Defending solicitor appointed as arbitrator from challenges under sections 24, 33 and 68 Arbitration Act 1996 & allegations of partiality.
- *Naqvi v Harris Cartier Ltd & Others* [2019] EWHC 3042 (QB) – Acting for a barrister sued following unsuccessful claim in ET. Pursued strike out for collateral attack on Tribunal Decision.
- *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* ‘lead cases’ litigation – a large scale case managed litigation involving numerous 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.
- *ALB 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
- Lenders’ claims against solicitors for failing to report irregularities on mortgage funded property purchases
- Defending various solicitors instructed on a wide or limited basis for alleged negligence in ancillary relief settlements and consent orders following divorce.
- Various claims involving alleged conveyancing errors
- 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 for alleged errors in drafting of settlement agreement
- A claim concerning negligent advice to administrative receivers on sale of assets

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:

- Acted for accountants alleged to have mis-handled tax returns for a property owning professional over a number of years
- Acted for accountants alleged to have negligently prepared accounts for a dissolving partnership
- Acted against accountants alleged to have failed to advise correctly about 'research & development' tax relief for a waste management company
- Acted in a lost litigation case against accountants for negligent advice on payment of VAT for EU cross border business activities, resulting in company insolvency
- Acted for accountants alleged to have negligently prepared accounts in the context of a farming partnership dissolution.
- Acted against accountants who advised a 'Lloyds name' negligently about tax mitigation advice
- Acting on the disclosure exercise for the Chase Manhattan Bank v HIH Insurance.
- Acted on professional disciplinary proceedings arising out of allegedly negligent advice on tax planning
- Acting for various accountants on negligent tax advice allegations.

Financial Services Professionals

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

- 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.

Insurance Brokers & Agents

Siân has acted for a number of the prominent insurance broking practices in the City of London. 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. Siân is often instructed in multi-party disputes where both insurers and brokers are defendants.

Siân's experience in this area includes the following cases:

- Acted for a ship owner against insurance broker for misplacement of risk via an introducing broker and failure to advise of a premium warranty clause.
- Acted 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.
- Advised 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 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 in the broking chain over obligations to review incorrect policy documentation for a property portfolio.

Surveyors & Valuers

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

high value claims against valuers concerning 'income generating assets' such as office blocks and other commercial premises. Siân was the leading junior for claims arising out of UK and EU securitisation transactions known as 'commercial mortgage back securities' (CMBS) against major firms of valuers following their valuation of commercial properties packaged a 'tax efficient' investments, having been instructed in the main cases. Siân is very familiar with the valuation methodologies in commercial property valuation for investment purposes and lending practices involved in securitisation transactions and portfolio lending.

Siân's experience in this area includes the following cases:

- *LRC Holdings v BNP Paribas* – a claim brought by an investment & litigation vehicle that had taken an assignment of the cause of action against the valuers arising from the valuation of a linked group of four substantial office buildings located near the Tower of London. The Claimant's case was withdrawn shortly before trial.
- *Whitewater 2006-3 Plc v Colliers International UK Plc* – a high value claim concerning the valuation of a portfolio of central London commercial properties valued at c. £1.5b. The Claimant's case collapsed at trial before final submissions.
- *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](#).
- *Capita Alternative Fund Services v 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.

Siân 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

Construction Professionals

"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:

- *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
- Advising contractor and insurers in respect of proposed action against project manager and building services engineer where apartments in tower blocks overheat
- Advising road building contractor on pursuit of claims against designer, under indemnity clauses following

- adjudication of employer's claim against contractor
- Advising police 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:
- Acting for major residential developer in claim arising out of adverse structural vibration in steel frame residential blocks of flats.
- 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 and acting for developer in claim against steel designer/contractor due to adverse structural vibration in a light steel frame multi-occupancy building.
- 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.

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

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“Siân Mirchandani QC is “a tenacious advocate”, and “highly respected” for her impressive handling of professional negligence and disciplinary proceedings.” Who's Who Legal 2020

“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 is also a member of the Ethical Conduct Body of the Society of Antiquities.

Siân has advised on and appeared many times before ARB panels defending architects against a range of complaints.

Featured Disciplinary cases

- Defended approved inspectors before RICS on a claim relating to mis-certification of a retail premises for use as a nursery.
- Defended 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.
- Defended an insolvency practitioner before the ICAEW on various claims arising out of an administration.
- Defended an architect before the RIBA on charges of breach of copyright and supplanting resulting in no sanction.
- Defended 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 defended a veterinary surgeon before the disciplinary panel of the RCVS.
- Successfully appealed a decision of the examination body of the RCVS in relation to post-graduate qualification.

Construction & Engineering

“Siân is one of my go-to barristers. She has a very good manner with the clients and her client service is excellent.” “Siân has provided advice and support in a variety of cases. She delivers clear advice in a straightforward manner. Much in demand.” “She has a very technical mind and great attention to detail. She will think through the options and how the case might develop.” “Siân has great attention to detail and was able to deal with a complex matter at short notice.” – Chambers & Partners, 2023

“Siân is a stellar advocate. She is highly articulate and tenacious, and is excellent in cross-examination. She is always very prepared and completely on top of the facts.” – Legal 500, 2023

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- 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.

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.

Featured Commercial Dispute Resolution cases

- 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.
- Advised 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.
 - Defended farm food supplier in claim for alleged contamination of animal feed leading to herd deaths and loss of profit.
 - Defended farm nutrition adviser in claim for allegedly negligent advice about feeding to a pedigree closed herd.
 - 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 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 arising out of avoidance of sale on contracts of apartments.
 - Acted on various disputes under the National House Building Council 'Buildmark' scheme.
 - A claim for damage to business following disruption of telecommunications' cables.
 - A claim for consequential losses and damage caused by supply of defective cattle feed.
 - Advised Scottish Power plc in respect of injunctive proceedings brought by new occupier.

Property Damage

"A hard worker and good fighter for her clients who is good on detail." – *Chambers and Partners, 2022*

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 by insurers' on recovery & subrogated claims arising out of property damage.

Featured Property Damage cases

- Advised insurers on routes for recovery for claim involving failure of fire separation & cavity barriers in newly built and refurbished buildings leading to fire spread.
- Advised insurers of manufacturer of electronic components used in emergency vehicles on claims arising from fire in a vehicle, including drafting and negotiating 'joint defence' agreement with US manufacturer.
- Advised 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.
- Advised insurers on a commercial building spread of fire claim.
- Advised and defended 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.
- Advised and defended insurers under a Contractors' All Works policy following a fire during refurbishment of a leisure club.
- Advised 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.
- Advised 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.
- Advised and defended 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.
- Advised insurers of various contractors on investigations, routes of claim and pursuit of subrogation following combustible cladding claims after **Grenfell Tower Fire**.

Insurance & Reinsurance

Siân has wide ranging experience of advising and acting for both insurer and insured on claims concerning policy construction and coverage issues (particularly relating to cladding & fire safety claims, BI relief, property damage). Siân is often instructed in claims where the insurer is the co-defendant, alongside a broker following avoidance of a policy.

Featured Insurance & Reinsurance cases

- Advised and acted for insurer in 'QC clause' arbitration over scope of architect's professional indemnity policy
- Advised professional indemnity insurers on a successful claim for reimbursement under a Minimum Terms policy from an insured for material non-disclosure and late notification.
- Acted for excess layer insurers who successfully avoided cover and a claim under the Third Party (Rights Against Insurers) Act 1930 in a multi-million point multi-party insurance dispute arising from the construction of a supermarket
- Advised on proposed wording of policies for public liability in public houses and nightclubs, advising on vicarious liability claims.
- Advised and acted 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, 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.
- Acted in a variety of multi-party disputes concerning film finance insurance (contingent expenses insurance and time variable contingent policies).
- Acted in claim for payment under health cover plan concerning reference to the Insurance Ombudsman.
- Advised insurers on a 'spread of fire' claim.
- Advised & acted for insured on pursuit of a claim for under settlement and errors in loss adjustment following a flood claim.
- Advised professional liability insurers on wholesale declinature of cover due to dishonesty by a firm of solicitors over a number of years.

Chancery

Siân has experience of a variety of chancery matters.

Featured Chancery cases

- Acting on claim under The Trusts of Land and Appointment of Trustees Act 1996 (ToLATA) concerning numerous property developments and alleged frauds relating to proceeds of sale of units.
- Advised and acted for the Trustees of the Independent Living Funds (1993 and the Extension Fund), in matters concerning the interpretation of the founding trust deeds, drafting of new trust deed, claims against local authorities and clients for recovery of overpayments.
- Pursued an extended Grepe v Loam order – Pursuing an extended *Grepre 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.
- Acted for mortgagees on enforcement of mortgages.
- Acted on an application for committal to prison for contempt.
- Acted in landlord and tenant claims of all types (both residential and commercial).

International Arbitration

Siân Mirchandani is a barrister practicing in England and Wales, based in London chambers at Four New Square – London's premier set for Professional Negligence. Siân has practiced at the English Bar since 1997 and was appointed Queen's Counsel in 2019.

Siân specializes in commercial cases, technology & construction litigation, arbitration and adjudication. A significant proportion of her practice comprises complex construction cases, of all types, often involving professional negligence claims, insurance coverage issues, insolvency and contribution claims. Siân also has a specialist practice in regulatory & drug product testing claims and feed claims, both stemming from her previous career and qualification as a veterinary surgeon (Cambridge).

Siân is a qualified Technology & Construction Bar (TECBAR) adjudicator. Siân has recently undertaken the Chartered Institute of

Arbitrators' (CI Arb) Advanced Fellowship programme and is now building a practice as an arbitrator.

What the Directories say about Siân Mirchandani QC (Chambers, Legal 500, Who's Who Legal)

"utterly tenacious in fighting for her client"

"If you want someone to get the best for a client backed into a corner she would be a marvellous choice of advocate"

"Great analytical skills – excellent drafting and advocacy skills".

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

"tremendously bright, has a tenacious eye for detail, and brings a new level of strategic thinking to the table".

"She's fantastic: just brilliant to work with and very easy-going and responsive. Very hard-working and diligent."

"Very bright and incredibly determined and tenacious."

"She's incredibly bright, good on the detail and clear and concise with her advice."

"She's a great advocate – very considered and measured."

"Tenacious, with a sharp and incisive legal mind."

Commercial Dispute Resolution

Examples of work as Counsel in court and arbitration proceedings include:

- Acted on an arbitration between insurer and insured, over whether the scope of cover in a policy year included combustible cladding claims
- Advising Counsel retained to draft submissions and appear at oral hearing(s) in domestic arbitrations concerning Government advertisement for IT contract(s)
- Advising Counsel for paper arbitrations between insurance companies as to liability for claim(s)
- Informal arbitration between 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.
- Defending a UK 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.
- Claims arising out of UK and EU securitisation transactions known as 'commercial mortgage backed securities' (CMBS) against major firms of valuers following their valuation of commercial properties packaged as 'tax efficient' investments in Germany, Denmark and the UK: *K/S Lincoln et al v CBRE Richard Ellis* – hotels; *Capita Alternative Fund Services & Matrix Securities v Drivers Jonas* – factory outlet centre; *Titan Europe 2006-3 Plc v Colliers International UK Plc* – a large multi-use warehouse and department store in Germany; *Whitetower 2006-3 Plc v Colliers International UK Plc* – a group of commercial buildings in London; *LRC Holdings v BNP Paribas* – a group of four substantial office buildings near the Tower of London.
- A claim for damage to business following disruption of telecommunications' cables.
- Advising on claim for alleged breach of contract and 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 foot supplier in claim for alleged contamination of animal feed leading to herd deaths and loss of profit.
- Defending farm nutrition adviser in claim for allegedly negligent advice about feeding to a pedigree closed herd.
- 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 for recovery of fees due to a consultant engaged to assist in acquiring contracts for the Olympic Games.
- A fraud claim against property development company arising out of avoidance of sale on contracts for apartments, Manchester, UK.
- Advised Scottish Power plc in respect of injunctive proceedings brought by new occupier

Construction & Engineering

Examples of work as Counsel in court and arbitration proceedings include:

Cladding, fire, flood nuisance, subsidence

- Advising employer's agent & insurers facing claims brought by social housing associations concerning cladding, render & fire safety defects
- Defending architect in cladding detachment claim brought by contractor, arising out of landmark refurbishment project, City of London
- Sole leading counsel in 'Premier Inn' cladding & fire safety litigation (claims relating to 4 hotels) for architects (*Premier Inn v McAleer & Rushe and Others*)
- Sole leading counsel in 'New Capital Quay' cladding & fire safety litigation (claims brought by 81 leaseholders against developer & contractor (*Elaine Naylor & Ors v (1) Galliard Homes Ltd (2) Roamquest Ltd (3) Galliard Construction Ltd*
- Advising (another) hotel chain in relation to its liability as developer following discovery of cladding & fire safety defects
- Advising leasehold tower block management companies in relation to claims options against developers/contractors following discovery of cladding & fire safety defects
- Advising local authority on liability following discovery of defects in external cladding (Expanded Polystyrene System, EPS) installation to private owners' properties
- 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 recovering 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.

Commercial construction

- Advising contractor and insurers in respect of proposed action against project manager and building services engineer where apartments in tower blocks overheat
- Advising road building contractor on pursuit of claims against designer, under indemnity clauses following adjudication of employer's claim against contractor
- 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 a 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 construction

- Considerable experience of residential construction disputes advising and acting for employers, architects, contractors and sub-contractors involving:
 - Failures to advise on obtaining 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:
 - Pursued a claim arising out of defects in a major UK dual carriageway, following entire replacement
 - Defending civil engineers facing claim for failure to detect a live drain across a housing estate construction site in Northern Ireland.
 - Claims brought by M&E main contractor against sub-contractors and consulting engineers
 - Acting for large contractor against subcontractor concerning final account following the installation of a flue gas desalination plant at a power station.
 - Defending architect in claim concerning design and project management of extension to Grade II listed building
 - 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 for tertiary education buildings
 - Claims brought by liquidator following contractor's insolvency
 - Multiple connected disputes referred to single adjudicator.
 - Passing claims down chains of adjudications following total destruction of a bespoke wooden building on South Coast by fire
 - 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 international building 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 (Landmark building in City of London)
- Acting for insurers facing claim under Third Party (Rights Against Insurers) Act 1930 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

- Led strike out of claim against approved inspector by developer & purchaser of refurbished coach house (after ***Herons Court v Heronslea***)
- Defending project manager against employer's claims (delay & expense) arising out of refurbishment of educational and performing arts premises in **Liverpool, UK**
- Defending architect in multi-party dispute following catastrophic collapse of granite table in school playground, London
- Advising insurers on a claim due to knotweed contamination of a construction site in **Wales** 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, **England**.
- Employer's claim against design architect following delays and budget overrun on **UK 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 **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), **UK**
- A claim by a farmer against a local authority landlord concerning the **negligent farm design** by a farm designer engaged by the local authority, **UK**
- 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, **UK**
- Defending developer's claim against architect arising from window design for high-end **beachside property, UK**
- Acting for sub-contractor (M&E) in defence of claim for indemnity arising out of alleged flue fire in a **completely wooden residential building**, South Coast, **UK**

Insurance

Examples of work as Counsel in court and arbitration proceedings include:

- Advised and acted for insurer in 'QC clause' arbitration over scope of architect's professional indemnity policy
- Advised for professional indemnity insurers on a successful claim for reimbursement under a Minimum Terms policy from an insured for material non-disclosure and late notification.
- Acted 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
- Advised on proposed wording of policies for public liability in public houses and nightclubs, advising on vicarious liability claims.
- Advised and acted for insurers of domestic and commercial properties on claims raised, accepting and declining cover, policy repudiation in the public liability, fire, explosion and domestic insurance situations, including subsidence and tree

root claims.

- 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.
- Acted in a variety of multi-party disputes concerning film finance insurance (contingent expenses insurance and time variable contingent policies).
- Acted in claim for payment under health cover plan concerning reference to the Insurance Ombudsman.
- Advised insurers on a 'spread of fire' claim.
- Advised & acted for insured on pursuit of a claim for under settlement and errors in loss adjustment following a flood claim.
- Advised professional liability insurers on wholesale declinature of cover due to dishonesty by a firm of solicitors over a number of years.

Professional negligence

Examples of work as Counsel in court and arbitration proceedings include:

Lawyers

- *X v Y* – Defending solicitor appointed as arbitrator from challenges under sections 24, 33 and 68 Arbitration Act 1996 & allegations of partiality.
- *Naqvi v Harris Cartier Ltd & Others* [2019] EWHC 3042 (QB) – Acting for a barrister sued following unsuccessful claim in Employment Tribunal. Pursued strike out for collateral attack on Tribunal Decision
- *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* 'lead cases' litigation – large scale judge-managed litigation involving numerous 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' their rented property. 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 in England & Wales, a victory for Siân's clients (the defendant solicitors), who following this decision, if sued by a former client are now able to pursue a contribution from the barristers they had instructed.
- *re. Sambala* Multi-claimant litigation arising out of a failed development scheme in Cape Verde – 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.

Accountants

- Acted in a lost litigation case against accountants for negligent advice on payment of VAT for EU cross border business activities, resulting in company insolvency
- Acted against accountants alleged to have failed to advise correctly about 'research & development' tax relief for a waste management company
- Acted for accountants alleged to have mis-handled tax returns for a property owning professional over a number of years
- Acted for accountants alleged to have negligently prepared accounts for a dissolving partnership
- Acted for accountants alleged to have negligently prepared accounts in the context of a farming partnership dissolution.
- Acted against accountants who advised a 'Lloyds name' negligently about tax mitigation advice
- Acting on the disclosure exercise for the *Chase Manhattan Bank v HIH Insurance*.
- Acted on professional disciplinary proceedings arising out of allegedly negligent advice on tax planning
- Acted for various accountants on negligent tax advice allegations.

Financial advisers

- Acted for defendant financial advisers in a secure capital bond mis-selling claim.
- Acted on various claims involving tax avoidance schemes involving film finance
- Acted on pension mis-selling claims.
- Acted on investment mis-selling and client mis-classification claims
- Acted on insurance mis-selling claims – involving claims against insurance brokers & agents
- Acting on an appointed representatives' claim brought under the Commercial Agents (Council Directive) Regulations 1993 against the represented insurers.

Insurance brokers & agents

- Acted for a ship owner against insurance broker for misplacement of risk via an introducing broker and failure to advise of a premium warranty clause.
- Acted 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.
- Advised 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 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 in the broking chain over obligations to review incorrect policy documentation for a property portfolio.

Surveyors & Valuers

- *LRC Holdings v BNP Paribas* – a claim brought by an investment & litigation vehicle that had taken an assignment of the cause of action against the valuers arising from the valuation of a linked group of four substantial office buildings located near the Tower of London. The Claimant's case was withdrawn shortly before trial.
- *Whitetower 2006-3 Plc v Colliers International UK Plc* – a high value claim concerning the valuation of a portfolio of central London commercial properties valued at c. £1.5b. The Claimant's case collapsed at trial before final submissions.
- *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](#).
- *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.
- 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 relating to new build properties involving NHBC and other 'structural' guarantee policies of insurance

Awards



Qualifications

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 Fellow of the Chartered Institute of Arbitrators, a TECBAR accredited adjudicator, and a Member of the Ethical Conduct Body, Society of Antiquities.

Education

M.A. Vet M.B. Emmanuel College, Cambridge University

Diploma in Law, City University

BTC, Inns of Court School of Law, London

Fellow of Chartered Institute of Arbitrators – International Arbitration.