

OUR PEOPLE

Siân Mirchandani KC, FCI Arb

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“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 Mirchandani KC is a highly successful and popular silk working across a wide spectrum of commercial practice both domestically and internationally. Known for her experience in litigation, arbitration and adjudication, Siân’s practice encompasses construction/engineering, professional liability, insurance disputes and disciplinary claims.

Siân enjoys a fantastic reputation and is described by Who’s Who Legal as “*an articulate and tenacious advocate*” whose detailed legal and procedural knowledge “*inspires trust and confidence*” among clients and who is “*quickly able to master the technical details*” of large-scale construction projects”.

Siân is “*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.*” “*She was born to be a high flying barrister.*”

Renowned as an “*intellectual giant*”, and “*unerringly logical*”, “*a stellar advocate*” and “*excellent in cross-examination*” the legal directories note that “*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.*”

“*Always very well-prepared and completely on top of the facts*”, clients value her ability to handle high value, complex multi-party claims and group litigation involving difficult, detailed quantum issues. She has a particular interest in disputes involving IT, technical and scientific elements where her scientific background gives her a considerable advantage.

Siân is recognised as a leading silk by the legal directories in construction, property damage, professional negligence (including professional negligence involving technology and construction professionals and issues) and professional discipline.

She 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, and has wide experience of using e-bundles.

Qualified as a TECBAR accredited adjudicator, she is also a Fellow of the Chartered Institute of Arbitrators.

Siân qualified and practised as a veterinary surgeon before joining the Bar.

Privacy Policy

Click here for a [Privacy Policy](#) for Siân Mirchandani.

Expertise

Professional Liability

“Siân is exceptionally bright. She is a joy to work with.” – Chambers & Partners, 2024 (Professional Negligence)

“Siân Mirchandani is great at getting into the detail and you really feel no stone is left unturned.” – Chambers & Partners, 2024 (Professional Negligence: Technology & Construction)

“Siân is an excellent advocate. Very clear and persuasive. Her advice is always excellent gets to the nub of the issue. She provides practical solutions to complex issues.” – Legal 500, 2024 (Professional Negligence)

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

“Siân is one of my go-to barristers. She has a very good manner with the clients and her client service is excellent.” “She has a very technical mind and great attention to detail.” “Siân has provided advice and support in a variety of cases. She delivers clear advice in a straightforward manner. Much in demand.” – Chambers & Partners (Professional Negligence: Technology & Construction)

Siân has considerable experience of claims involving professionals of all types and is “*recognised for her superb professional negligence practice.*”

Siân is recognised as a leader in this field by Who’s Who Legal who describe her 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.*”

Siân is regularly instructed on behalf of barristers and solicitors being sued by former clients (often via group actions) who value her thorough and quick forensic analysis, followed by clear strategies to bring the claims to an early resolution.

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, Enterprise Zone schemes, VAT schemes, Research & Development allowances).

In the fields of construction and valuation professionals Siân has become known for adopting a commercial and problem-solving ‘can do’ approach. Client say Siân is “*a very effective silk*” who “*commands the confidence of the court*”, *excelling in professional negligence claims arising from large scale construction projects.*”

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. Her performance and reputation in construction professionals’ claims has led to instructions from employers, contractors and sub-contractors. “*Siân is a highly persuasive advocate with a keen intellect and a remarkable eye to detail. She can articulate complex legal issues in a simple way to help clients to understand the technical arguments and can flex her presentation style to the audience to ensure her message is understood.*” This ‘pure construction’ work complements her

continuing construction professionals' and property professionals' practice, and extends into her arbitration practice (domestic and international).

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

Lawyers

Siân has acted in a very wide variety of lawyers' negligence claims, including tax schemes, lost litigation, 'loss of a chance' and 'package of rights' claims (acting for and against both solicitors and barristers). Siân has considerable experience of dealing with claims against solicitors involving underlying construction matters, including adjudication, arbitration and court proceedings in England, Wales & Scotland.

Siân has broad 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.

Experienced in 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.

- Instructed by Herbert Smith Freehills on a 5 week trial in the Commercial Court, arising from a claim by a HNW individual v Accountant and Solicitors. Siân (leading Ben Smiley) defended the solicitors in this claim for c. £60m arising out of a tax avoidance scheme entered into by the claimant. The case settled after written openings, the evening before oral openings commenced.
- *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 & Others* [2019] EWHC 3042. Acting for a barrister sued following unsuccessful claim in ET. Successfully pursued strike out.
- *Ahmad v Wood* [2018] PNLR 28. Acting for solicitor – striking out certain allegations for abusive collateral attack, which resulted in the claim value being dramatically reduced.
- *Right to Buy* 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.
- *AIB Group (UK) Ltd v Mark Redler & Co Solicitors* [2014] UKSC 58. Led by Graeme McPherson KC, Siân acted for the solicitors in 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 Led by Rupert Jackson QC (as he then was), Siân acted for the solicitors in the Court of Appeal and House of Lords' decision which led to the abrogation of barristers' immunity from suit.
- 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.
- Lost litigation and under settlement claims.
- 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.
- 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, Enterprise zones, other bespoke and marketed schemes).

- Acted for accountants alleged to have mis-handled tax returns for a property owning professional over a number of years leading to loss of PRP relief.
- 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.
- 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, material non-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.

- Advised on broker's liability following placement of a portfolio policy for a multi-national corporate organisation.
- 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 has a full range of experience of acting for and against valuers, including claims brought by lenders. Siân is also experienced in pursuing and acting for building surveyors carrying out structural surveys for lenders and borrowers in claims arising out of commercial and residential mortgage transactions, 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 and claims involving new build properties and NHBC or other 'structural' guarantee policies of insurance.

- *McDonagh v Bank of Scotland & Others* [2018] EWHC 3262. Siân acted for the fixed charge receivers, appointed by the Bank, alleged by the Claimant to have failed to achieve the 'best price reasonably obtainable' and failed to expose the property to the market because it had only been marketed for sale as part of a mixed borrower portfolio.
- Siân acted on a number of the leading cases involving high value claims against large City of London valuation houses concerning income generating assets such as office blocks and other 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*).

Construction Professionals

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, and adjudications.

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 and professional liability claims has given her clients a considerable advantage.

- Acting for architects sued by contractors following adjudication decision resulting in c£2.5m award against contractor.
- Acting for engineers arising out of a complex stadium & concert project.
- Acting for the Employer's Agent and their insurers, in a multi-party action arising out of a project to provide a unique engine assembly and testing site.
- Defending a claim against the Lead Consultant / Architect arising out of an alleged lack of adequate fire resistance/protection in a care home constructed using a light steel frame (LSF) structure.
- Defending architect from alleged negligence claim arising from the cladding and fire safety defects in a mixed use development, by reason of its engagement of a façade design engineer as a sub-consultant for the original specification of the external façade of the buildings.
- Defending architect from claim arising from detachment of a cladding panel from City of London office building where installation design had been amended on site.
- Advising contractor and insurers in respect of proposed action against project manager and building services engineer where apartments in tower blocks overheat.
- 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.
- 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 refurbishment 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.

Insolvency / 1930 Act and 2010 Act claims against insurers

- 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.

Residential

Siân has 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.

Construction & Engineering

"A very astute silk who is excellent on the detail, very approachable and able to set out a strategy for complex cases." "She's a really strong advocate who has the judges' trust. Very good in the courtroom." "Siân is very good at getting into the detail and working in a team." "She's very good and is a pleasure to work with. A very good advocate with a great manner in the courtroom." – Chambers & Partners, 2024

"Siân is extremely thorough and likes to get into the detail of her cases. She is an integral part of the defence team and is excellent to work with." – Legal 500, 2024

“She has great experience and knowledge of construction disputes.” “Siân has a very good manner with the clients and her client service is excellent.” “She has a very technical mind and great attention to detail. She will think through the options and how the case might develop.” “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

Siân has extensive experience of advising and acting for employers, contractors and sub-contractors in construction and engineering disputes. Clients say: *“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.”* and *“She’s fantastic: just brilliant to work with and very easy-going and responsive. Very hard-working and diligent.”*

- Acting for the developer facing claims by c50 flat owners following fire leading to total loss of low rise apartment block.
- 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.
- Acting for large scale developer of steel frame apartment blocks where resonance issues led to a claim against specialist SFS contractors.
- 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 City of London and 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 refurbishment 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.

Adjudications

Considerable experience with adjudications including:

- Claim against specialist SFS contractor by developer following resonance issues in a steel frame residential development.
- 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.

Specialist buildings & unusual cases:

- Defending main contractor's claim against structural engineer in respect of design of cricket stadium and stands.
- 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.

Commercial Dispute Resolution

Siân undertakes a wide range of commercial work, including general and international commercial litigation, personal and corporate insolvency, commercial contractual claims, deceit, economic tort claims (procuring or inducing breach of contract, causing loss by unlawful means, conspiracy to defraud), lost market opportunity. Siân has experience of pursuing freezing injunctions and pre-action disclosure applications, as well as bond enforcement. The legal directories mention that she is "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."

- Advised in context of bond enforcement court proceedings by Russian company alongside arbitration of dispute arising from fertiliser plant construction.
- Defended a software developer and two companies against claims of 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.

International Arbitration

International and domestic arbitration work is a natural adjunct to Siân's commercial litigation, construction and insurance practice. *"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."*

Siân is also building up a practice as an arbitrator. Siân is happy working under a variety of arbitration rules (eg ICC, LCIA) as well as ad hoc arbitrations.

Some of her recent arbitration work includes:

- Abu Dhabi seat arbitration concerning alleged 'gross negligence' by structural engineer in basement design
- Application to remove arbitrators following a series of 'beth din' ad hoc arbitrations.
- KC arbitration concerning the scope of an architect's professional indemnity policy.
- Advised and acted in an insurance arbitration concerning whether the scope of cover in a policy year included combustible cladding claims.
- Domestic arbitration concerning a government advertisement for IT contract/s.
- Various paper arbitrations between insurers as to liability.
- Informal arbitration between two separate arms of a multi-national insurance company as to the meaning and operation of design and operator error exclusions following damage to a food waste digester due to process "run away" leading to over-pressurisation damage.

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). Her clients say: *"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."*

Siân is often instructed in claims where the insurer is the co-defendant, alongside a broker following avoidance of a policy.

- Advised and acted for second layer insurers in a multi-layer tower of insurers facing a 'blanket' claim by contractor where aggregation factors were the key issue.
- Advised and acted for insurer in 'KC 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 insurers in various claims under the Third Party (Rights Against Insurers) Act 1930 including a multi-million, 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.
- 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.
- 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.

Property Damage

“Siân is exceptionally bright. She is a joy to work with.” “She is thorough and tenacious.” – Chambers & Partners, 2024

“Siân has great attention to detail and was able to deal with a complex matter at short notice.” “She is a sensational advocate.” – Chambers & Partners

Siân has considerable experience of property damage 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. Clients say Siân is *“A hard worker and good fighter for her clients who is good on detail.”* and *“always on top of the details of a case” “excellent in the way that she leads a team of lawyers and experts on a case”*.

- Acted for an International Architects’ practice and their insurers, in the threatened recovery action following a fire at a luxury hotel and residential apartments development in WC2.
- Advised insurers on routes for recovery for claim involving failure of fire separation & cavity barriers in newly built and refurbished buildings (e.g. aparthotel, residential flats, hotel) 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, following pipework soldering.
- Advised insurers on a care home of fire claim, following roofing hot works.
- 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 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.

Disciplinary

“A strong advocate and a great person to work with.” – Chambers & Partners, 2024 (Professional Discipline)

“She delivers clear advice in a straightforward manner.” “Siân is extremely hard-working and has great attention to detail.” – Chambers & Partners (Professional Discipline)

Siân has a significant practice in defending professionals before professional disciplinary bodies, particularly the ARB, RIBA, ACCA, ICAEW, RICS. Known for her robust and tenacious approach to picking apart disciplinary allegations, Siân is described as: *“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.”*

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 advised the RCVS and drafted the RCVS’ guidance on the roles of expert witnesses. She is also a member of the Ethical Conduct Body of the Society of Antiquities.

- 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.

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.