



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
PROFESSIONAL NEGLIGENCE
ENERGY, NATURAL RESOURCES AND UTILITIES
SHIPBUILDING, REPAIR AND CONVERSION
ADJUDICATION
MEDIATION
PERFORMANCE BONDS

Darryl Royce

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PRACTICE

Darryl Royce advises upon, and acts for parties involved in, construction projects, including regular appearances before the Technology and Construction Court, lay arbitrators and mediators. He specialises in work in the construction, engineering and infrastructure, energy, natural resources and utilities, and shipbuilding fields and deals with related professional negligence matters.

Darryl has experience as an arbitrator and as a mediator and he is also qualified to undertake Public Access work. He also frequently advises parties involved in the adjudication process. In addition, he sits on the Western Circuit, is a member of TECBAR (the Technology and Construction Bar Association) and is a founder member of the SCL (Society for Construction Law).

Darryl is the author of *'Adjudication in Construction Law'* (Informa Law from Routledge) which brings together all the relevant material on the process of adjudication in construction. He is also a contributing editor to the publication *'Costs Law: A practitioner's Guide'* (ARK Group), *'The Legal Obligations of the Architect'* (OUP: Oxford University Press) and *'Hudson's Building and Engineering Contracts'* 14th edition (Sweet & Maxwell).

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

CONSTRUCTION

Darryl is instructed in small, medium and large building cases concerning defects and loss and expense claims. Forms of contract dealt with include most JCT forms. Examples of his work include:

- A US\$2 billion international arbitration concerning the design, procurement, and construction of a major airport in the Middle East.
- Falling cladding from nurses' residence in London, **Gray v. T.P. Bennett & Son** [1987] 43 B.L.R.

63; sub. nom. **London Hospital Trustee v. T.P. Bennett & Sons** 13 Con.L.R. 22).

- Falling tiles from university buildings in Midlands, **University of Warwick v. Sir Robert McAlpine Ltd.** [1988] 42 B.L.R. 1.
- Defects in yoghurt manufacturer's dairy in Midlands.
- Defects in pharmaceutical manufacturer's head office in London.
- Loss and expense claim on shopping centre on the South Coast.
- Defects in hotels in England & Wales.

ENGINEERING

Darryl is instructed in civil engineering cases concerning defects, unforeseen physical circumstances (Clause 12) and extra costs claims. Forms of contract dealt with include ICE. and NEC forms. Examples of matters involved include:

- Clause 12 and extra costs claim on new town development in North of England.
- Clause 12 and extra costs claim on local authority development in Essex.
- Clause 12 and extra costs claim on non-governmental organisation development in Wales.
- Various claims on M6 toll road construction.

PROFESSIONAL NEGLIGENCE

Darryl acts on a variety of professional negligence cases and has experience of matters concerning architects, engineers, solicitors and surveyors. Example of work, include:

- Architect's design for insufficient elbow room for snooker hall of workingmen's club in North of England (**Stormont main Working Men's Club & Institute Ltd. v. J. Roscoe Milne Partnership** [1988] 13 Con.L.R. 127).
- Structural engineer's survey of block of flats in North London which moved and was later demolished.
- Structural engineer's design of cold store.
- Structural engineer's design of sea defences in North Africa.

ENERGY, NATURAL RESOURCES AND UTILITIES

POWER GENERATION

Darryl acts in cases concerning defects and extra costs claims. Example of work include:

- Defects in electrostatic precipitators for power station in India, **Babcock Energy Ltd. v. Lodge Sturtevant Ltd.** [1994] 41 Con.L.R. 45.
- 'Walking time' costs claim on power station in East Anglia **Strachan & Henshaw Ltd. v. Stein Industrie (UK) Ltd.** [1996] 63 Con.L.R. 132 & [1997] 63 Con.L.R. 160, CA.

OIL

- Preparing technical case on defects in refinery in North America with assistance of experts. Advising on potential claims arising out of commissioning dispute.
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SHIPBUILDING, REPAIR AND CONVERSION

- Capsize of oil platform accommodation vessel in Morecambe Bay (**Hydrocarbons G.B. Ltd. v. Cammel Laird Shipbuilders Ltd (No.1)** [1991] 53 B.L.R. 84, (No.2) [1991] 58 B.L.R. 123; 25 Con. L.R. 131).
 - Building of Arctic research vessel.
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ADJUDICATION

- Existence and extent of dispute, **Fastrack Contractors Ltd. v. Morrison Construction Ltd.** [2000] B.L.R. 168; [2000] 75 Con.L.R.33.
 - Whether more than one dispute is referable, **Grovedeck Ltd. v. Capital Demolition Ltd.** [2000] B.L.R.181.
 - Proceeding against companies in administration, **A. Straume (U.K.) Ltd. v. Bradlor Developments Ltd.** [1999] C.I.L.L. 1520.
 - Restraint of adjudication, **Midland Expressway Ltd. v. Carillion Construction Ltd. (No.2)** [2005] Con. L.R. 154, and withdrawal of adjudication claim **Midland Expressway Ltd. v. Carillion Construction Ltd. (No.3)** [2006] B.L.R.325; (2006) 107 Con. L.R. 205.
 - Frequently providing advice to parties involved in adjudication process.
 - Appointed as Adjudicator by TECBAR in respect of the electrification of a main railway line.
 - Appointed as Adjudicator (TECBAR) regarding refurbishment works being carried out at a large country estate in England.
 - Appointed as Adjudicator by TECBAR regarding the electrical and civil engineering works of a railway traction control distribution system across 29 sites in southern England.
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MEDIATION

Qualified mediator with experience.

PERFORMANCE BONDS

- Making and resisting calls, **Perar B.V. v. General Surety & Guarantee Co. Ltd.** [1994] 66 B.L.R. 72; 43 Con.L.R. 110, CA.

NOTABLE CASES

Midland Expressway Ltd. v. Carillion Construction Ltd. (No.3) [2006] B.L.R.325; (2006) 107 Con. L.R. 205 (restraint of adjudication).

Midland Expressway Ltd. v. Carillion Construction Ltd. [2006] 107 Con. L.R. 235, CA (meaning of 'provisional sums').

Midland Expressway Ltd. v. Carillion Construction Ltd. [2005] 106 Con. L.R. 49 (various claims on M6 toll road contract).

Midland Expressway Ltd. v. Carillion Construction Ltd. (No.2) [2005] 106 Con. L.R. 154 (withdrawal of adjudication claim).

Holding & Management (Solitaire) Ltd. v. Ideal Homes North West Ltd. [2004] 96 Con. L.R. 114 (whether implied terms in lease re quality of materials, workmanship and fitness for habitation).

Cantrell v. Wright & Fuller Ltd. [2003] 91 Con. L.R. 97 (procedure leading to issue of valid final certificate under JCT form).

Fastrack Contractors Ltd. v. Morrison Construction Ltd. [2000] B.L.R. 168; [2000] 75 Con.L.R.33.

Grovedeck Ltd. v. Capital Demolition Ltd. [2000] B.L.R.181.

LEGAL TEXTS

Author, *Adjudication in Construction Law*. Informa Law from Routledge 2015

Contributor, Hudson's Building and Engineering Contracts 12th & 14th Ed

Atkin's Court Forms, Titles: *Building Contracts* 1981, 1990, 1994 & 1997; *Construction Contracts* 2002, 2006; *Construction Courts* 1998; *Technology and Construction Court* 2001, 2005

Contributor, *The Legal Obligations of the Architect* (editor: A. Burns) 1994

Editor, *Technology & Construction Law Reports*

QUALIFICATIONS AND AWARDS

Inn of Court School of Law

BA History, University of Bristol

ADDITIONAL INFORMATION

Darryl is a member of the Western Circuit, TECBAR and was a founding member of the SCL.

RECOMMENDATIONS

“A lovely guy and a real expert on adjudications”

Construction, The Legal 500

“He has experience as an arbitrator and a mediator”

Construction, The Legal 500