



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
PROFESSIONAL NEGLIGENCE
ADJUDICATION
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
GUARANTEES AND INDEMNITIES
GENERAL COMMERCIAL

Felicity Dynes

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PRACTICE

Felicity is an experienced junior who specialises in all aspects of Chambers' work, in particular in the areas of construction and engineering, energy, IT and professional negligence. She also has experience in a number of other commercial practice areas. She acts for a wide range of domestic and international clients in court proceedings, arbitration, adjudication and mediation. Felicity also takes appointments as an adjudicator and is on TECBAR's panel of adjudicators.

In the field of construction, Felicity has experience of bespoke and standard form contracts and is familiar with the JCT, NEC and FIDIC forms. She has also worked on a number of PFI cases and is familiar with PFI suites of documents.

Originally a linguist, Felicity speaks French, German, basic Spanish and has a working knowledge of Guadeloupean Creole.

She is recognised as a leading junior by Chambers & Partners, The Legal 500, Who's Who Legal and Doyle's Guide.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Felicity has extensive experience in construction, engineering and infrastructure-related work as well as significant experience in relation to claims concerning alleged defects on PFI projects in the healthcare sector. Her work often involves advising on complex issues of contractual interpretation, limitation and effect of assignment as well as of liability as between contractors and professionals.

Recent experience includes:

- Advising and representing a council in relation to allegedly defective work on an affordable housing development.
- Advising a council on the proper interpretation of section 278 agreements.
- Advising a public body in relation to delay claims by a contractor.
- Representing a sub-contractor in a final account arbitration against the contractor in relation to a defence project.
- Representing the claimant contractor in a TCC claim for a contribution and/or indemnity from the engineer and specialist flooring subcontractor in relation to a settlement with the employer relating to defects in a warehouse floor.
- Junior counsel in a final account claim relating to a major infrastructure project.
- Representing the defendant specialist curtain walling contractor in claims by freehold and leasehold owners arising from the matters which are the subject of the judgment in *Blue Manchester Limited v North West Ground Rents Limited* [2019] EWHC 142 (TCC).

ADJUDICATION

In the context of construction, engineering and infrastructure claims, her work also frequently includes work on adjudications, both before, during and on enforcement. She has represented both Referring and Responding Parties in adjudication and has acted as adjudicator. Her recent experience includes the following:

- Successfully representing the Referring Party on enforcement in a dispute over a purported “correction” by the Adjudicator to his decision;
- Successfully representing the employer in a series of adjudications relating to a high value residential build.
- Advising and drafting adjudication proceedings for a contractor in relation to final account claims for work on a converter station.

- Defending a council in a claim by a contractor for extensions of time in relation to a major refurbishment project.
- Advising on and drafting adjudication papers in order to resolve a dispute over responsibility for an alleged defect on a substantial affordable housing project.
- Advising on the conclusivity of a final certificate for the purposes of adjudication submissions.

FIRE SAFETY / CLADDING EXPERIENCE

Felicity often undertakes work in which fire safety and/or cladding defects are alleged. Examples of this kind of work are set out below:

- Acting for the defendant counterparty under an agreement for lease in relation to defects allegedly preventing practical completion, including issues with defective fire protection, compartmentation and strategy and inappropriate cladding for a building of that height.
- Acting for the defendant specialist curtain walling contractor in a multiparty TCC case concerning alleged defects within the glazed curtain walling system for the 47-storey Beetham Tower in Manchester (see also above).
- Junior counsel for the freeholder in a multiparty TCC claim relating to alleged defects in the fire protection measures and fire strategy for a multiuse development in Durham.
- Counsel for the architect in a multiparty TCC claim relating to alleged defects in the cladding system for a local authority housing development.
- Advising hard service contractors under PFI contracts in relation to alleged fire safety defects in hospitals.
- Junior counsel for the Independent Certifier under a PFI arrangement in jointly managed TCC proceedings in relation to alleged fire safety defects in a hospital.
- Advising and representing in a multi-party adjudication a hard service contractor under a PFI contract in relation to alleged fire safety defects in a hospital, including alleged defects with the fire strategy and fire doors.
- Representing the brickwork subcontractor in multiparty TCC proceedings in which numerous fire safety defects were alleged to exist in a residential development and in which it was alleged that the brickwork subcontractor was responsible for alleged cavity barrier defects.

ENERGY, NATURAL RESOURCES & UTILITIES

Felicity has represented clients in disputes concerning the design, construction and operation of power plants, wind farms and oil and gas facilities. She has a particular interest in energy work, having worked for an oil exploration company prior to joining chambers. Her work in this field includes:

- Representing the claimant in an arbitration for unpaid fees for services provided in relation to an oil field in Iraq.
- Representing the successful owner of a waste-to-energy plant in the case of *Energy Works (Hull) Ltd v MW High Tech Projects UK Ltd & Anr* [2022] EWHC 3275 (TCC).
- Junior counsel in arbitration proceedings relating to an oil processing facility.
- Assisted in preparation of claims in English and French for a Korean client relating to a power plant in North Africa.
- Instructed in arbitration proceedings relating to the design, procurement, fabrication and installation of an offshore wind farm.

PROFESSIONAL NEGLIGENCE

Felicity is often instructed in professional negligence cases with a construction or engineering element, including:

- Representing an architect in multi-party TCC proceedings concerning alleged fire safety-related facade defects in a residential development.
- Representing a quantity surveying company in a professional negligence claim by an employer.
- Representing a structural engineer in a professional negligence claim.
- Representing the client purchaser in a claim alleging *inter alia* design defects in printing presses.

PFI DISPUTES

Felicity has been instructed in a number of PFI disputes and is very familiar with contractual mechanisms for performance deductions and failure events as well as dispute resolution procedures under PFI contracts. Her recent experience includes:

- Representing the independent certifier/employer's agent under a PFI arrangement in a multi-party TCC case concerning alleged fire safety defects in a hospital.
- Representing the hard services contractor at a hospital in a multi-party adjudication procedure concerning alleged failures to provide the maintenance service and consequent alleged failure events, levying of deductions and service failure points.
- Advising on the proper interpretation of PFI suites of documents in the context of alleged fire safety defects in hospitals.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

- Advising and drafting a defence in a professional negligence claim against a supplier of IT support services.
- Advising on and drafting Particulars of Claim in a claim against a developer of software and hardware for use in biomedical equipment.
- Representing a telecommunications company in a claim for breach of contract/negligence against it by a customer.
- Acting as sole counsel for the claimant customer in a domestic arbitration relating to breaches of contract and duty in the provision of a software system.
- Acting for the IT service supplier in a claim by the customer relating to the provision of IT services.

GUARANTEES AND INDEMNITIES

- Advising on the proper interpretation of an NHBC bond.
- Drafting advice on the proper interpretation of various indemnities in a professional services contract for an international development project.
- Drafting advice on the merits of an appeal regarding the scope and interpretation of an indemnity under an asset purchase agreement.

- Advising on the liability of a builder to a developer for third party damage under a JCT contract and the possibility of successfully claiming costs under project insurance and/or claiming the costs against the insurance broker in a claim for breach of contract or negligence.
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GENERAL COMMERCIAL

- Instructed to assist in a disclosure exercise in a multi-million pound claim for unpaid fees and expenses by an investment bank against a mining company.
 - Drafting a defence in a claim for return of a deposit.
 - Advising and drafting a defence in a claim for damages in respect of trespass by oversailing cranes.
 - Advising on the prospects of success of a winding up petition and possible defences.
 - Advising on the prospects of success of a strike-out application in a claim for payment.
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NOTABLE CASES

McLaughlin & Harvey Ltd v LJJ Ltd [2024] EWHC 1032 (TCC)

Energy Works (Hull) Ltd v MW High Tech Projects UK Ltd & Anr [2022] EWHC 3275 (TCC)

Vinci Construction UK Ltd v Beumer Group UK Ltd [2018] EWHC 1874 (TCC)

Petroleum Company of Trinidad and Tobago Ltd v Samsung Engineering Trinidad Co Ltd [2017] EWHC 3055 (TCC)

Beumer Group UK Ltd v Vinci Construction UK Ltd [2016] EWHC 2283 (TCC)

QUALIFICATIONS AND AWARDS

2011	Shelford Scholarship, Lincoln's Inn
2011-2012	BPP Law School: LLM in Professional Legal Practice
2009 – 2010	BPP Law School: Bar Vocational Course (Very competent) Semi-finalist, BPP Mooting Competition
2008-2009	City University: Graduate Diploma in Law/Common Professional Examination (Commendation)
2008	Lord Haldane and Hardwicke Scholarships, Lincoln's Inn

2003 – 2007 New College, University of Oxford: BA (Hons) Modern Languages
First Class (with Distinction in the colloquial use of the German language)
Heath Harrison Scholar

2004 New College Scholar

LEGAL TEXTS

Felicity is general editor of the Building Law Reports (Informa). She was also a contributing editor to Hudson's Building and Engineering Contracts (Sweet & Maxwell, 14th edition, 2020).

ADDITIONAL INFORMATION

MEMBERSHIPS

Felicity is a member of COMBAR, SCL, TECBAR and LCLCBA. She is on the TECBAR panel of adjudicators.

RECENT RECOMMENDATIONS

"She's very clever, clients trust her, and she's very good at getting into the detail."

"Felicity Dynes is exceptionally easy to work with."

"She is a very strong junior with an excellent grasp of detail."

"She's very assured, very calm and confident, and when she gives her opinion it's very thorough and good."

Construction, Chambers & Partners UK Bar 2024

"Razor-sharp, super bright and very thorough. Felicity is a model of excellence on her feet, in written work and in conferences. A ferocious advocate against the opposition, but a delight to have on your team. A first-choice junior."

Construction, The Legal 500 2024

"Her cross-examination skills are fantastic and she has the killer instinct, she drafts accurately and concisely, and she's really easy to deal with."

"Her clear advice and her being available to us and our client has been invaluable."

"Her written work is well considered and presented."

"Felicity has an impressive depth of knowledge."

Construction, Chambers & Partners UK Bar 2023

"Felicity is a very effective advocate – very incisive, good at tackling large amounts of material, and a clever cross-examiner."

Construction, The Legal 500 2023

"Her drafting is excellent and she understands what the key points are in a case."

"A very measured barrister. She's good and thorough on the detail and gets on top of things quickly."

Construction, Chambers & Partners UK Bar 2022

"A very measured and well prepared advocate, who takes any last minute instructions and variations in her stride."

Construction The Legal 500 2022

"She is hands-on, gets stuck in and is helpful and responsive."

"She is very incisive."

Construction, Chambers & Partners UK Bar 2021

"She is quietly assertive and doesn't take any nonsense – from the lay client or the other side. She has excellent attention to detail and is prepared to plead difficult arguments."

Construction, The Legal 500 2021

"A very able individual with especially good written work."

"Keeps a cool head with difficult clients."

Construction, Chambers & Partners UK Bar and Global 2020

"An outstanding junior; tough and hardworking."

Construction, The Legal 500 2020

"A very good junior destined for great things. Bright and conscientious and very approachable."

Construction, Legal 500 2018