



CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS
INTERNATIONAL
ENERGY
GENERAL COMMERCIAL
TRIBUNAL APPOINTMENTS

Peter Land

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PRACTICE

Peter practices across all areas of construction, engineering, infrastructure, information technology and associated professional negligence dispute resolution and advisory work. Originally qualifying as an engineer, prior to coming to the bar he gained 15 years' experience across a broad range of industry sectors including power generation, construction, defence, oil and gas, financial and professional services, and FMCG, initially as an engineering consultant and latterly as an IT consultant, manager and project manager.

He is instructed on behalf of contractors, sub-contractors, consultants and employers (corporate, government and private individuals) both as sole counsel and as junior counsel. He is experienced in matters of all scales and value, from homeowner disputes to very large technically complex global infrastructure projects, most recently acting for the Panama Canal Authority in relation to multi-billion dollar disputes arising from the project to construct the third set of locks.

In addition to his litigation experience, Peter has experience of ADR including mediation, adjudication, domestic arbitration and international arbitration subject to foreign law, together with associated court enforcement and appeal proceedings. He is qualified to take direct access instructions.

In addition to his practice as an advocate, Peter is a TECBAR accredited adjudicator and has taken tribunal appointments including as a DIAC arbitrator and as a member of an adjudicator panel for a PFI waste management contract. He is co-author of the *Construction Adjudication and Payments Handbook* (OUP, 2013).

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Peter has been involved with disputes ranging from single domestic dwellings to large commercial developments, and he has experience of the following types of claim from all perspectives including owner, employer, main contractor, sub-contractor and professional adviser:

- Defects, including sale of goods.
- Disruption, loss and expense.
- Delay, extension of time and liquidated damages.
- Final account and variations.
- Professional negligence of engineers, architects, contractors and their advisors.
- Nuisance.
- Party wall.
- Performance bonds.
- Contribution claims.
- Adjudication and adjudication enforcement.
- Insolvency.

Peter is familiar with the provisions of the JCT, NEC and ICE standard form contracts and PFI contracts.

CONSTRUCTION & ENGINEERING

- Acting for a property developer in a claim arising from interconnected development, property, construction, planning and roads agreements relating to a major commercial development in Cardiff, in order to determine the correct calculation of the amount of annual rent; that requires the determination of the cost of the development, claimed at around £48 million.
- Acting for the defendant, a concrete superstructure contractor, against a specialist subcontractor in the arbitration of a claim arising out of the alleged prolongation of almost one year in the construction of a 48 storey tower and a counterclaim for the costs of settling the main contractor's claim arising from delay and disruption caused by failures in the specialist post-tensioned concrete works. Successfully resisted an application for permission to appeal the award.
- Acting for the developer of a multi-tower high rise development in proceedings brought by some tenants (both first purchasers relying on breach of sale agreements and subsequent purchasers relying on the Defective Premises Act) claiming they had suffered losses as a result of the need to have the ACM rainscreen cladding and insulation replaced (those replacement works having been funded by the NHBC).
- Acting for the design and build contractor in a dispute with a local authority in relation to the quality and performance of a waste composting plant; issues included the efficacy of the composting process, defects in the facility structure and machinery, and contamination of the waste supply.
- Acting for the project company against a hospital trust in a dispute relating to the completion of works under a PFI contract. The trust sought a mandatory injunction to obtain access to carry out its own tests.
- Acting for a manufacturer of thermoplastic products defending a claim for the costs of replacing allegedly defective sulphuric acid storage tanks.
- Advising a steelwork fabricator in relation to its rights to payment in circumstances where it had carried out works in anticipation of a contract award but the contract was ultimately awarded to others.

- Successfully mounted a challenge based on the s.105 plant exception to halt an adjudication brought by a pipework sub-contractor for payment in default of a pay less notice for works carried out at a facility that manufactured materials for incorporation in sterile medical dressings.
- Advising a local council in relation to the poor performance of the main contractor under an NEC3 contract for a major public garden refurbishment project. Successfully obtained a declaration on the correct interpretation of the contract from an adjudicator.
- Acting for an asbestos clearance specialist in an asbestos contamination claim by both the landlord and tenant of a residential property.
- Acting for the employer charitable trust defending a restitutionary claim relating to the provision of a security system at an historical property. The claims were successfully struck out.
- Advising an owner/employer in relation to resisting the enforcement of an adjudicator's decision and the merits of its defects claim in respect of a residential development, including advising in relation to an NHBC Buildmark policy.
- Acting in a multi-party dispute relating to an allegedly defective air conditioning installation in a large office development. Appeared on behalf of the system designer defending a third-party claim from the M&E subcontractor.
- Acting for the claimant employer in proceedings to enforce an adjudicator's decision against an architect. Successfully enforced the £250,000 adjudicator's award.
- Acting for a private homeowner in the appeal of an award of a party wall surveyor made in the course of basement excavation works.

PROFESSIONAL NEGLIGENCE

- Acting for the defendant engineer in multi-party proceedings arising from damage to a party wall in the course of a development in Mayfair. The developer claimed some £20m that had been paid to the adjoining owner following awards made by party wall surveyors over the course of some 13 years following damage to the party wall in the course of underpinning operations carried out during the demolition and re-development of the adjoining property.
- Acting for the main contractor against the civil and structural engineer in a dispute arising from the construction of a retail park following extensive settlement of the parking, pavement and service yards surrounding the buildings.
- Acting for a global data-centre operator against the M&E services design engineer in a dispute relating to the cooling capacity of a newly constructed data-centre.
- Acting for the claimant engineering consultant (at trial and as junior counsel in the Court of Appeal) in its claim for outstanding fees and defence of a counterclaim for diminution in value of a property development arising from delay in the provision of roads, drainage and utilities design.
- Acting for the civil and structural engineer in a dispute resulting from the collapse of a canal wall following the development of a canal-side office building.
- Acting for a main contractor in a multi-party dispute relating to the structural integrity of a nightclub floor that was alleged to have suffered fatigue damage due to resonant vibration. The contractor was defending the claim by the employer and pursuing third party claims, including a professional negligence action against the structural engineer responsible for design of the floor.

INFRASTRUCTURE

- Acting for the primary sub-contractor in a dispute with a local authority over performance under a PFI contract for the improvement and maintenance of the authority's road and related infrastructure.
- Acting for the engineer in an adjudication brought by its sub-contract engineering services provider in a payment dispute over the sub-contractor's entitlement to payment for work carried out over several years in relation to a major tramway scheme.
- Acting for the network owner and operator against the contractor undertaking major refurbishment in the adjudication of a dispute relating to entitlement for payment for alleged additional works relating to Disability Discrimination Act requirements under a rail network PPP contract in which the employer successfully defended over £7m of the contractor's £10m claim.
- Acting for a rail network against a signaling sub-contractor in a dispute arising from entitlement to payment in respect of company overheads under an NEC3 contract.
- Advising a local council in relation to disputes arising from NEC3 contracts for coastal defence works.
- Advising a civil engineering sub-contractor in relation to obtaining a final determination following an adverse adjudicator's decision in a payment dispute arising from the installation of a district heating system for a local authority.

INSOLVENCY

- Acting for a housing association in relation to an application for an injunction restraining the presentation and advertisement of a winding-up petition. The petitioner (a roofing contractor) withdrew its petition.
- Advising the owner of a listed property undergoing extensive refurbishment works in the run up to and following the insolvency of the main contractor.
- Acting for the management contractor in insolvency proceedings arising from a contract based on the JCT Standard Form of Management Contract and Works Contract. Successfully struck out the works contractor's winding up petition.
- Acting for an insolvent glazing company against a fashion retailer in the mediation of a dispute arising from the installation of a two-storey glazed shop-front in a major shopping centre development.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Peter has experience advising on the interpretation of IT contracts including termination provisions, in particular in the context of provision of defective software and services. He has acted for both employer and software supplier / systems integrator. Recent examples of work include:

- Advising a logistics company in relation to the termination of a contract for the provision of a finance system following poor supplier performance.
- Acting as junior counsel for the defendant IT supplier in a four week TCC trial arising from the alleged rescission of an IT services supply agreement.

- Acting for the primary IT services provider as one of a team of counsel in the arbitration of a major IT dispute (around £1bn in issue) arising from the termination by the employer of a contract (after three years of a nine year agreement) for development, multi-site deployment and ongoing hosting and support of third party software. The quantum stage of the arbitration involved a claim for around £500 million of costs incurred over some four years prior to termination.
- Acting for a software developer seeking payment of ongoing licence fees and facing an allegation that the licence had terminated as a result of defects in the software.
- Acting for a Canadian provider of clinical studies against a software supplier in a dispute arising from the failure of a project to provide software to plan and manage clinical trials.
- Acting for a provider of training services in a claim against its IT support provider for losses resulting from serious business disruption following the loss of a substantial part of its electronic data and documents.

ENERGY, NATURAL RESOURCES AND UTILITIES

Recent examples of work include:

- Acting for a major North Sea operator in relation to a dispute arising from the supply and operation of an item of subsea equipment.
- Acting for the manufacturer of heat metering products in a dispute relating to contractual and statutory compliance of the meters.
- Advising a specialist drilling contractor in relation to its claims against the JV main contractor on a major gas pipeline project.
- Advising a main contractor engaged in a project with a major utility company to install chemical dosing plant controls in multiple water treatment plants in relation to its claims against its controls system sub-contractor.

INTERNATIONAL

CHANNEL ISLANDS

- Acting as junior counsel for a defendant developer in the litigation in the Guernsey Courts of a claim for increased professional fees by the architect and construction manager, and a counterclaim for loss and expense arising from delay of around two years to the construction of two related commercial and residential developments. Agreements were subject to Guernsey Law.
- Acting for the defendant Jersey main contractor in a claim for unlawful termination of a contract to construct an elaborate stone staircase in a landmark Jersey property. Successfully challenged the jurisdiction of the arbitrator.

UAE

- Represented the claimant buyer at the hearing of an arbitration against the respondent property developer under Dubai International Arbitration Centre (DIAC) rules. The buyer sought repayment of advanced instalments in excess of AED 6.3m (approx. £1m) following termination of off-plan sale and purchase agreements (subject to Dubai and UAE Law and the terms of a variation agreement) for four residential units in a tower development in Abu Dhabi completion of which was severely delayed.

- Represented the claimant manufacturing company at the hearing of a DIAC arbitration against the master developer of an industrial development for breach of two project development agreements (subject to Dubai and UAE Law), claiming termination of the agreement and repayment of sums paid. The claim was met with a counterclaim for outstanding payments. The total sum in dispute was around AED 15m (approx. £2.5m).
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GENERAL COMMERCIAL

In addition to his experience of construction, engineering and IT contracts, Peter has experience of energy purchase, manufacturing, waste processing, logistics services and other commercial agreements including PFI contracts. Recent examples of his work include:

- Acting for a dental franchise defending a claim for payment following termination of a contract for provision of clinical waste disposal services.
 - Advising a local authority in relation to setting aside the expert determination of a claim for lost profit under an agreement providing for the running of a sports facility by a third party.
 - Acting for a national newspaper in relation to a claim relating to an agreement for the provision of outsourced printing support services.
 - Acting for a hospital trust in a dispute relating to the service provider's right to levy charges under a PFI facilities management contract.
 - Acting for the novated service provider under an outsourced waste processing and composting agreement in a payment dispute arising from the level of contamination in the waste supplied to the plant.
 - Advising an outsourced services provider to a local authority in relation to the contractual payment provisions.
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TRIBUNAL APPOINTMENTS

In addition to his advocacy and advisory practice, Peter has taken a number of tribunal appointments including:

- Several TECBAR adjudicator nominations.
 - Appointment to the adjudication panel for a PFI waste management contract.
 - Party appointee in a DIAC arbitration of a dispute relating to a stalled tower construction project in Dubai.
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NOTABLE CASES

Almacantar (Centre Point) Ltd v Sir Robert McAlpine Ltd [2018] EWHC 232 (TCC) - Part 8 proceedings related to a dispute arising out of a project to redevelop the landmark Centre Point Tower in London.

Amey Birmingham Highways Ltd v Birmingham City Council [2016] EWHC 2191 (TCC) - Claim relating to the proper interpretation of performance measurement provisions of a PFI road maintenance

contract and whether the Independent Certifier's decisions on milestone completion should be set aside for manifest error.

John Grimes Partnership Ltd v Gubbins [2013] EWCA Civ 37, 146 ConLR 26, [2013] BLR 126 - Appeal concerning whether a consulting engineer was liable for losses resulting from a fall in the property market during a period of delay caused by the engineer's breach of contract.

De Beers UK Ltd (formerly The Diamond Trading Co Ltd) v. Atos Origin IT Services UK Ltd [2010] EWHC 3276 (TCC) - Claim relating to repudiation of an agreement for the supply of software development services.

North Midland Construction plc v AE&E Lentjes UK Ltd [2009] EWHC 1371 (TCC), [2009] BLR 574 - Interpretation of plant and machinery exception in s.105(2)(c) of the Housing Grants, Construction and Regeneration Act 1996.

LEGAL TEXTS

Co-author of '*Construction Adjudication and Payments Handbook*' Oxford University Press, 2013

Contributing editor to '*Hudson's Building and Engineering Contracts*' 12th Edition, Sweet & Maxwell, 2010

QUALIFICATIONS AND AWARDS

2021	DIAC qualified arbitrator
2020	Accredited TECBAR adjudicator, arbitrator, and DRB member
2007	BVC (Outstanding), BPP Law School, Holborn
2006	Graduate Diploma in Law (Distinction), College of Law, Guildford
1989	MA Engineering (1 st Class), St Catharine's College, University of Cambridge Mrs Payne Senior Scholarship DW Morgan Prize University Ricardo Thermodynamics Prize
1988	Mr Spurtstow Scholarship Engineering Members' Prize
1987	Skerne Scholarship College Prize

ADDITIONAL INFORMATION

Peter is a member of TECBAR, SCL, COMBAR and the LCLCBA.

Pro Bono: FRU employment representative.

Cadbury Schweppes plc – EMEA Regional IT Centre – Principal Consultant (2001 - 2005)

Programme managed the definition and delivery of a £7m infrastructure replacement programme and the technical infrastructure aspects of a three-year SAP implementation programme.

MarchFIRST Ltd (Professional services) – IT Director - EMEA (2000 - 2001)

Developed the applications strategy and managed the integration of IT infrastructure, applications and staff following multiple acquisitions; project managed an SAP Finance, Payroll & HR implementation.

ARCO British Ltd (Oil & Gas) – EMEA Systems Manager (1996 - 2000)

Acted as internal IT consultant and project manager for offshore operations and gas trading departments.

Managed the infrastructure operations team; project managed infrastructure and software projects.

Mackenzie Tribbeck Associates Ltd (IT Consultants) – System Consultant (1995 - 1996)

Developed software for a financial futures trader; performed the technical assessment of bids for a missile design & construction contract; worked on a major military command, control & information system bid.

British Maritime Technology Ltd (Wind engineering & offshore technology consultancy) – Project Engineer (1990 - 1994)

Undertook scale model and computational testing (including finite element analysis and computational fluid dynamics) of major civil engineering projects; developed software for the offshore oil industry; provided technical evidence support to an expert witness and assisted with disclosure of technical documentation.

NNC Ltd (Design, research and project management support to the nuclear power industry) – Sponsored Student (1985 – 1987: pre-university and vacation work)

Inspected reactor construction works; performed finite element analysis and researched heat transfer mechanisms of reactor components.

RECENT RECOMMENDATIONS

"Peter Land is a very safe pair of hands who creates great confidence."

"He has an engineering background, which really shows through in his ability to get into the depth of the detail and master the minutiae of the case."

"He gives considered advice and has real strength in technical engineering claims."

Construction, Chambers & Partners UK Bar 2023

"Peter has a particular strength in his analytical work and is never flummoxed by any of the complexities of unravelling sometimes tortuously difficult building projects."

Construction, Chambers & Partners UK Bar 2022

"A very reliable and solid junior."

"He is good at analysis and a thorough barrister."

Construction, Chambers & Partners UK Bar and Global 2021

"An engineer and barrister with excellent technical and legal knowledge".

"He is approachable and a pleasure to work with."

"Intelligent, professional and personable."

Construction, Chambers & Partners UK Bar and Global 2020