



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
INTERNATIONAL ARBITRATION
PROFESSIONAL NEGLIGENCE
GENERAL COMMERCIAL
ADJUDICATION

Ryan Turner

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PRACTICE

Ryan Turner has significant experience in a wide range of construction and commercial disputes. He maintains an active court-based practice in trials and interlocutory applications alongside his work as a led junior.

As junior counsel Ryan has acted in several disputes arising out of national and international infrastructure projects and has experience of advising as sole counsel in a range of construction claims. He has particular experience in transport infrastructure projects having been instructed as junior counsel on several arbitrations concerning ultra-high-value transport developments in the Middle East. He also has considerable PFI experience and has been instructed on disputes concerning fire safety defects and social infrastructure such as hospital complexes.

Ryan is familiar with a broad range of standard form and bespoke contracts used across the spectrum of construction projects, including the JCT, NEC and FIDIC forms. He also has significant experience in claims brought by or against the National House Building Council, the market-leading insurer and warranty provider for new-build and refurbished properties in the UK. He is regularly instructed to advise in respect of adjudications, including providing early-stage advice in respect of final account and “smash and grab” payment notice disputes.

Ryan is also a keen follower of academic developments in construction law. In 2018 he received 2nd prize in the annual Hudson Essay Competition run by the Society of Construction Law for his paper titled '*Hanging by a slender thread: Design obligations in construction contracts following MT Højgaard v E.ON*'. This paper was presented to the SCL at the National Liberal Club.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Ryan has been instructed in several disputes arising out of large national and international infrastructure projects as well as residential renovation and disrepair claims. Recent experience includes:

- Junior counsel for the appellant in **PBS Energo v Bester Generacion** [2020] EWCA Civ 404, relating to a disputed termination of a FIDIC contract concerning a biomass energy plant in North Wales.
- Representing several claimants in a £1m dispute with a developer in respect of defective design and workmanship in a residential scheme in South West England.
- Representing the claimant in an application to strike out a counterclaim on the basis of a failure to establish any reasonable grounds for causation between alleged defective workmanship and the pleaded losses.
- Advising an employer about the terms of the JCT Standard Building Contract and drafting bespoke amendments to achieve client objectives.
- Drafting particulars of claim in a claim concerning a debt arising out of an oral contract for a multi-million pound development in the North West of England.
- Advising as junior counsel in respect of the enforceability and validity of a claim for liquidated damages in respect of delays to the re-development of a football stadium in London.

PFI

Ryan has developed extensive experience in claims arising out of Private Finance Initiative (PFI) contracts. He has acted as sole counsel in advising on the interpretation of Project Agreement and strategies to dispute resolution, as well as acting as junior counsel in interim applications, adjudications and litigation before the High Court.

His recent experience includes:

- Junior counsel for an NHS Trust in a £180m claim against an insolvent Project Co following termination, including disputes regarding historic provision of services, payments on termination and defects liability.
- Advising a waste management company as sole counsel in a dispute regarding the interpretation of a PFI-style agreement including Change of Law provisions and issues of estoppel and waiver.
- Advising an NHS Trust in respect of the proper interpretation and application of an equipment maintenance programme let on PFI terms to a Project Company.
- Junior counsel for the applicant in *Lancashire County Council v Lancashire Schools SPC Phase 2 Limited* [2024] EWHC 37 (TCC), an application to enforce a mandatory dispute resolution clause in a PFI contract.

- Junior counsel for a Project Company in an adjudication concerning multi-million pound claims in respect of various alleged building defects in a healthcare facility.

INTERNATIONAL ARBITRATION

- Counsel for the Respondent in an ultra-high-value ICC arbitration concerning the termination of a contract for the design and construction of transportation infrastructure in the Middle East.
- Junior counsel for the Claimant in an ICC arbitration with a value in dispute of \$4m in respect of a piping works contract in Trinidad and Tobago.
- Junior counsel in an ICC arbitration concerning the design of a metro system in the Middle East, including drafting witness statements, reviewing expert reports and preparing closing submissions.
- Junior counsel for the Claimant in an LCIA arbitration concerning the authority of agents and the validity of contract documents in a \$3m dispute concerning an oil drilling project.

PROFESSIONAL NEGLIGENCE

Ryan has advised and represented clients in respect of duties owed by professionals in several disputes. Recent examples of work include:

- Representing the claimant on a direct access basis in a dispute concerning failure by an engineer to design adequate drainage systems in a large residential renovation project.
- Drafting pleadings in a claim concerning the failure by conveyancing solicitors to advise on the application of Stamp Duty Land Tax to the transaction and any outstanding restrictions on title.
- Advising a claimant as to prospects of a claim for latent damages arising from defective cladding design.
- Drafting pleadings on behalf of various defendant construction professionals, including architects, structural engineers and surveyors.

GENERAL COMMERCIAL

Ryan has experience in a wide range of commercial disputes, including:

- Representing the respondent in an interim injunction application concerning actions alleged to be in breach of obligations under the Party Wall etc. Act 1996.
- Instructed as an expert in English law in a commercial dispute before the High Court in Lagos, Nigeria.

- Sole counsel for the defendant in a claim for debts that had been assigned to multiple successors including advising as to the application of the Limitation Act 1980.
 - Advising on the effect of the Water Industry Act 1991 on charging rates for caravan sites and remedies for potential overcharging, including advising on the prospect of Group Litigation Orders.
 - Representing an applicant for security for costs in the Central London County Court.
 - Advising on the application of the Unfair Contract Terms Act 1977 to the limitation clauses included in a contract for the provision of maintenance services.
 - Representing an applicant in respect of a disputed application for the substitution of defendants following exchange of pleadings and the costs consequences of this procedure.
 - Advising on the remedies available to a claimant in a claim to recover monies had and received by means of deceit.
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ADJUDICATION

- Representing an applicant for enforcement of an adjudication award in Central London County Court.
 - Advising a main contractor regarding the payment notice regime under the Scheme for Construction Contracts.
 - Sole counsel for the respondent to an adjudication in which the referring party relied upon a global claim for delay damages due to the absence of liquidated damages provisions.
 - Junior counsel in an adjudication concerning an application for payment and extension of time for delays.
 - Sole counsel in a final account adjudication concerning the non-payment of final invoices due to alleged defective workmanship.
 - Junior counsel in an adjudication concerning an application for an extensions of time in respect of a large commercial development in Cannon Street, London.
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NOTABLE CASES

PBS Energo v Bester Generacion [2020] EWCA Civ 404

Lancashire County Council v Lancashire Schools SPC Phase 2 Limited [2024] EWHC 37 (TCC)

QUALIFICATIONS AND AWARDS

2nd prize - Hudson Essay Competition, Society of Construction Law *'Hanging by a Slender Thread: Design Obligations in Construction Contracts Following MT Højgaard v E.ON'*

Lloyd Jacob Memorial Award (Middle Temple)

ADDITIONAL INFORMATION

Ryan is a member of TECBAR, COMBAR and the Society of Construction Law. He has been a member of the TECBAR Executive Committee since 2019.

Ryan is qualified to accept instructions on a public access basis and is a TECBAR-accredited adjudicator.

Ryan is a keen supporter of Middle Temple, his Inn of Court. Ryan sat as an ex-officio member of the Executive Committee in 2016 whilst studying the BPTC and later sat as an elected member of Hall Committee from 2016-2019. Ryan is a member of the Inn's interview panel for Bar scholarships.

Ryan also volunteers as a workshop leader for the Schools Consent Project, a charity dedicated to educating and empowering young people to understand and engage with the issues surrounding consent and sexual assault.