



Jennifer Jones

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CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
PROFESSIONAL NEGLIGENCE
ENERGY, NATURAL RESOURCES AND UTILITIES
GENERAL COMMERCIAL
GUARANTEES AND BONDS
INJUNCTIVE RELIEF
PARTY WALL
HEALTH AND SAFETY

PRACTICE

Jennifer practices both domestically and internationally, with a particular expertise in multi-party TCC litigation and in international arbitrations in the fields of large construction projects and energy disputes. She is typically instructed as sole counsel in multi-million-pound disputes for a range of different types of entity and her clients praise both her intellectual ability and her emphasis on client care.

She is recommended in Chambers and Partners and The Legal 500 in the fields of construction and professional negligence, and also in Chambers Global for construction. Contributors remark in particular that she is *“very impressive and a clear thinker”*, *“an excellent barrister who is very responsive and commercial”*, *“enthusiastic and a very capable team player”*, *“calm, collected and unflappable”* and that she has *“absolutely first-rate legal knowledge”*.

Jennifer’s main areas of specialisation are construction and engineering, professional negligence and energy, and she also has valuable experience in disputes concerning the construction and enforcement of guarantees/ bonds and of jurisdictional and conflicts issues, which regularly arise as incidental to other matters. It is in the nature of construction disputes that they give rise to particularly complex strategic and factual scenarios, either because of the number of different parties and contracts, or because disputes are being fought out in different fora. Jennifer particularly enjoys the tactical challenges inherent in managing these complicated disputes and in doing everything possible to obtain the best result for her clients.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Jennifer has acted for the full range of parties in disputes arising from the design and construction of a wide range of building and civil engineering projects, including process plant, infrastructure procured by PFI, and commercial and residential properties. She has expertise in issues relating to

loss and expense, delay and disruption, defects, design, delay, diminution in value, contractual termination and quantum meruit claims. She is also familiar with the main Standard Form contracts. Her experience includes:

- Acting for a state-owned entity in the Caribbean in proceedings brought by the contractor about the construction of roads in that jurisdiction, with associated ancillary claims against the engineers involved in managing the various contracts. The contracts were on the FIDIC form.
- Acting for the owner of a shipyard that builds and refurbishes world-class superyachts in a dispute with a contractor about substantial works carried out at the yard.
- Acting for the employer in a claim about delays and cost-overruns to the refurbishment of a large government property.
- Acting for a surveying company in its claim for payment for works carried out in connection with a railway electrification project.
- Acting for the Secretary of State for Defence in the arbitration underlying **Secretary of State for Defence v Turner Estate Solutions Limited** [2015] EWHC 1150 (TCC), which was a substantial dispute concerning infrastructure works procured under a maximum price target cost contract. Jennifer was responsible for leading a team of six other barristers dealing with final account issues.
- Acting for a parent company guarantor in a dispute concerning the design and installation of a mechanical biological treatment plant, which processes household waste.
- Acting for the contractor in relation to the construction of a metropolitan tramlink system procured under the PFI initiative.
- Instructed to act for the Claimant purchaser of a pan-European fleet of locomotives in relation to defects suffered by those locomotives.
- Acting for the owner of a prestigious head-office in a claim about defects in the cladding of its premises.
- Acting for a local authority in a dispute between a school, the local authority, an SPV and the contractor about substantial works carried out at that school.
- Acting for the owner of a superyacht in a dispute about cost and quality.
- Instructed in relation to a dispute between parties to a PPP about security camera provision on the London Underground Network.
- Representing a subcontractor involved in disputes arising from and relating to the construction of Wembley stadium.
- Acting for a contractor in its claim for payment for works carried out under a framework agreement with a social housing provider.
- Acting for a nursery in a fees dispute, which involved a dispute about asbestos removal from site.
- Advising and acting for steel fabricators in a delay and disruption claim, relating to the construction of two hospices and the headquarters of a large charity.

- Acting for a manufacturer of power generation equipment in relation to a claim made in respect of an escape of diesel from that equipment at a shopping centre.
- Advising a residents' association as to its rights against a statutory undertaker pursuant to the Water Industry Act.
- Acting for a main contractor seeking to recover damages in respect of a burst water main pipe supplied by its sub-contractor.
- Representing the employer in a claim intended to be heard in the Bahamian courts, relating to defects in the construction of a local property.
- Acting for employers, contractors and professionals in multi-party proceedings about high value domestic projects.
- Acting for a local council in a dispute concerning the design and construction of a swimming pool.
- Both seeking and resisting enforcement of adjudicators' decisions, in addition to conducting adjudications.
- Advising an employer on amendments to a standard form JCT Contract to reflect its requirements when developing a substantial hotel.
- Advising the landlord of a property let to a government department on its dilapidations claim on termination of the lease.
- Advising householders about their statutory and other rights when a mine-shaft opened up on their land.

PROFESSIONAL NEGLIGENCE

Jennifer has experience of dealing with a variety of professional negligence claims involving a wide range of professionals and consultants in the construction and engineering sector, including architects, engineers, surveyors and contractors. Her experience includes substantial recent experience of cladding disputes, including in relation to concerns about the safety of cladding. Given the involvement of insurers in professional negligence disputes they are often multi-party and Jennifer has particular expertise in, and experience of, managing the strategic implications of a dispute involving a number of participants, from the perspective both of the Claimant and the Defendants. Her experience includes:

- Acting for Defendant project managers in ten-party TCC proceedings concerning a large fire at a Boots store in Warrington.
- Acting for an engineer in a Contribution Act claim brought about subsidence caused by a flood.
- Acting for an architect in a claim about coastal subsidence and land slip.
- Acting for Defendant project managers in a claim about subsidence under various apartment blocks.
- Advising a hospital in a claim against its architects on a project that ran 50% over budget and significantly late.

- Acting for a householder in a claim in professional negligence against his project managers.
- Acting for the architects employed as the leaders of an MDP for the construction of a hospital in Ireland.
- Acting for structural engineers alleged negligently to have designed the floors of an industrial estate such that they were structurally unsound.
- Acting for a high net worth householder caught between contractors and the architect where a project ran significantly into delay.
- Acting for Defendant surveyors alleged negligently to have valued property, which was subsequently sold at a loss by the Claimant building society and advising surveyors as to their potential exposure to claims in negligence.
- Acting for the architects employed to design a local authority school constructed under the BSF scheme.
- Acting for a public school in relation to defective heating design works carried out at the school.
- Acting for the Claimant in a number of claims about defectively designed cladding to commercial, industrial and residential properties.
- Representing architects on charges of unacceptable professional conduct before the Professional Conduct Committee of the Architect's Registration Board.
- Acting for a client lacking mental capacity in a claim against his former Court of Protection appointed deputy for poor management of the client's affairs.

ENERGY, NATURAL RESOURCES AND UTILITIES

Jennifer has been involved in a number of cases for purchasers, contractors, designers and operators arising out of issues with energy installations. When she first started working in this field she prioritised power stations and offshore installations utilising traditional energy sources. Whilst she continues to work those areas she is also instructed on an increasing number of cases concerning renewables. Cases include:

- Acting for the owner of a waste-to-energy plant in a payment dispute.
- Acting for the owner of a biomass plant in relation to defects in the structural performance of that plant.
- Acting for the developers and operators of an anaerobic digestion facility.
- Acting for contractors retained under a letter of intent in relation to the development of a potash mine.
- Acting for the Claimant in TCC proceedings concerning the adequacy of pole screws used in the construction of generators for oil-fired power plants.
- Acting for the contractor in an arbitration about the refurbishment and upgrade of a jack-up drilling unit in the Caribbean.

- Advising in respect of a project to develop a wood pellet production plant and combined heat and power plant.
- Advising in relation to entitlement to payment in respect of commissioning works carried out under the NEC Professional Services Form, at a nuclear power plant.
- Advising on the contractual arrangements for the construction of a nuclear power plant.
- Acting for the employer in a dispute with both the BOP contractor and turbine supplier concerning a wind farm.
- Advising on the contractual arrangements for the purchase of a wind farm.
- Acting for the supplier of cable to a nuclear power plant.
- Acting for the supplier of air compressor systems used in the construction of a gas pipeline between Europe and Africa.
- Acting for the design and build contractor in an international arbitration relating to the construction of a power/ desalination plant in the UAE, between French and German companies.
- Acting for the buyer of two jack-up oil rigs for the North Sea.
- Acting for the claimant contractor under a framework agreement for the provision of civil engineering works relating to the repair, maintenance and installation of gas mains.
- Advising on a settlement agreement concerning the construction of solar photovoltaic plants.
- Acting for the operator of a waste-to-energy plant in a dispute about the performance levels achieved.
- Acting for an insulation supplier in relation to a dispute about entitlement to Carbon Emissions Reduction Target credits.

GUARANTEES AND BONDS

Jennifer is familiar with the issues concerning the proper construction of bonds and guarantees, and regularly advises on the nature and meaning of these documents, together with acting in the following notable examples:

- Acting for an insurance company in relation to its liability under a portfolio of bond and security underwriting that it had purchased from a third party.
- Advised a parent company guarantor as to its liability to indemnify in respect of an adjudicator's decision made against the subsidiary.
- Acted for the guaranteed party in a dispute heard in the Chancery Division concerning whether or not a document was, on its proper construction, an on demand bond.
- Acted for the indemnifier in a dispute heard in the TCC as to the proper construction of a contract of indemnity. The case also concerned the circumstances in which an indemnifier will be estopped from challenging a judgment in underlying proceedings against the party indemnified.

INJUNCTIVE RELIEF

Jennifer has both advised clients on the availability of injunctive relief and appeared in Court to obtain the same, in both with and without notice cases. Her experience includes:

- Advising on and obtaining injunctions in Party Wall matters to prohibit further construction and mandate the taking of steps to ensure that properties remain structurally sound.
 - Advising on and obtaining injunctions to prevent, or limit further construction on, ongoing projects.
 - Advising on the prospects of obtaining freezing injunctions.
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GENERAL COMMERCIAL

Jennifer has also acted in a range of general commercial disputes including:

- Acting for a Defendant supplier in a claim for loss of profit arising from the Claimant's alleged inability to monetise and develop a magnet that the Defendant had provided for use in medical equipment.
- Acting for a Thai company seeking to recover substantial damages in the commercial court in respect of allegedly unauthorised loan agreements.
- Representing the provider of hardware for use in a simulated training environment.
- Advising purchasers on their entitlement to claim damages for breach of the warranties in a share purchase agreement.
- Acting for a Claimant alleged to have procured a contract by fraud.
- Acting for and advising numerous appellants in appeals from awards made by the CITB and the ECITB.
- Representing a French company challenging the jurisdiction of the English Courts on the basis of its standard terms.
- Advising on the construction of insurance policies.
- Acting for companies on contested winding up petitions concerning the interaction between adjudicators' decisions and winding up.
- Acting for an accountant on a disputed fees claim in Dubai.
- Advising a property owner of the grounds on which mobile telephone masts can be removed.
- Regularly advising and acting in respect of limitation issues.

PARTY WALL

Jennifer has been instructed in a number of Party Wall Act matters.

In particular, she has:

- Represented surveyors in Party Wall Act proceedings.
 - Successfully obtained injunctions to prevent further construction in Party Wall Act matters.
 - Acted for a payer under a Party Wall Award who was seeking to recover the sums paid out from third parties.
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HEALTH AND SAFETY

Jennifer has been instructed to advise and defend a basement works sub-contractor prosecuted under Health and Safety legislation for a serious fall from height on site.

NOTABLE CASES

Motacus Constructions Ltd v Paolo Castelli SpA [2021] EWHC 356 (TCC)

Empyreal Energy Ltd v Daylighting Power Ltd [2020] EWHC 1971 (TCC) (22 July 2020)

Specialty Magnetics Ltd v Agilent Technologies LDA UK Ltd [2020] 6 WLUK 398

Babcock Marine (Clyde) Ltd v HS Barrier Coatings Ltd [2019] EWHC 1659 (TCC)

Russell v Stone (trading as PSP Consultants) [2017] EWHC 1555 (TCC), 173 ConLR 96: successfully defended an application to strike-out a claim against a project manager. The dispute concerned whether or not a standstill agreement was effective. It was effective.

Towsey v Highgrove [2013] BLR 45: successfully represented a company on a contested winding up petition, where the issue was how the Court should manage the interaction between winding up and the enforcement of adjudicators' decisions.

Platform v Anderson [2012] EWHC 1853: successfully defending a surveyor alleged negligently to have valued a property where the purchase price was influenced by an underlying fraud. Claim dismissed for want of causation and indemnity costs awarded in her client's favour.

Vossloh Aktiengesellschaft v Alpha Trains (UK) Ltd [2010] All ER (D) 86; [2010] EWHC 2443 (Ch): acting for the beneficiary in a dispute about whether a document was a parent company guarantee or an on demand bond.

Rust Consulting Ltd v PB Ltd [2010] EWHC 3243 (TCC): dispute about the proper construction of a contract of indemnity and the circumstances in which estoppel in respect of underlying proceedings against the indemnified bites on the indemnifier.

J Murphy & Sons Ltd v Johnston Precast Ltd (formerly Johnston Pipes Ltd) (No 2) (2009) 5 Costs LR 745; [2008] EWHC 3104 (TCC): the Court declined to make an issue based costs order; CPR Part 36 does not provide for interest on costs to be awarded at an enhanced rate where a claimant fails to beat a defendant's Part 36 offer.

Allen Wilson Joinery Ltd v Privetgrange Construction Ltd 123 Con LR 1; [2008] EWHC 2802 (TCC): an adjudicator's decision was not enforced where there were triable issues as to whether or not a contract was in writing pursuant to the 1996 Act; there is no jurisdiction to award interest in a Scheme adjudication.

J Murphy & Sons Ltd v Johnston Precast Ltd (formerly Johnston Pipes Ltd) [2008] All ER (D) 114; [2008] EWHC 3024 (TCC): a sub-contractor had supplied a length of glass reinforced plastic pipe for use in water main works. It was not liable to the main contractor for damage caused when that pipe burst: the damage was caused by the conditions in which the pipe was operating and not by the nature of the pipe itself.

QUALIFICATIONS, APPOINTMENTS AND AWARDS

2018	Recorder (Midland Circuit)
2017	Member – Inn Conduct Committee
2012 – 2018	Member - BTAS Disciplinary Panel Pool
2007	MA (Oxon)
1998-2002	BA, Law with Law studies in Europe (French law), Christ Church, Oxford University
2002-2003	BVC, ICSL
2000-2001	Higher Diploma in French Law and Comparative Law, University of Paris II (Panthéon-Assas)
2001	Lord Denning Scholarship, Lincoln's Inn Hardwicke Entrance Scholarship, Lincoln's Inn

ADDITIONAL INFORMATION

Jennifer is an accredited TECBAR adjudicator and a lead advocacy tutor for Lincoln's Inn.

She is a member of TECBAR, COMBAR and the SCL.

She has a good working knowledge of French and some conversational German.

RECENT RECOMMENDATIONS

"She has a very good advocacy style - calm but calculated."

Construction, Chambers & Partners UK Bar 2022

"She really delivers: she works hard, gives good advice and is user-friendly."

Professional Negligence, Chambers & Partners UK Bar 2022

"Jennifer is one of the team and rolls up her sleeves up and gets on with the work. Her advice is always clear and straightforward and she is extremely engaging with clients. She is a true trusted advisor."

Construction, The Legal 500 2022

"Jennifer is responsive, approachable and client-focused, as well as exceptionally technically able. Her advice is always clear and straightforward, and she is extremely engaging with clients."

Professional Negligence, The Legal 500 2022

"An excellent junior barrister who is happy to take on the difficult arguments and win."

Construction, Chambers & Partners UK Bar 2021

"She came across as being in control and very authoritative; she commanded respect and did very well."

Professional Negligence, Chambers & Partners UK Bar 2021

"Clear advice. Highly responsive and experienced."

Professional Negligence, The Legal 500 2021

"Commercially minded with the legal ability to deliver. Strong and clear written and verbal advice. Also a very able advocate on her feet in court."

Construction, The Legal 500 2021

"Jennifer Jones is smart, effective and thorough. She presents her legal advice in a manner which clients can easily grasp. She is an impressive junior." "An excellent barrister, she is very responsive and commercial."

Construction, Chambers & Partners UK Bar 2020

"She is exceptionally bright but also down to earth and a pleasure to work with." "She's very impressive and can hold her own without a silk."

Construction, Chambers & Partners UK Bar 2020

"Enthusiastic and very capable."

Construction, The Legal 500 2020

"Excellent legal skills."

Professional Negligence, The Legal 500 2020

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*"Extremely good with clients, acute on the law and good at explaining it in practical ways."
"Unbelievably responsive and keen and knows her stuff, so you can trust her to advise on big cases."*

Construction, Chambers & Partners UK Bar 2019

"Extremely good at advocacy, she is the one you want when you have a hearing."

Construction, The Legal 500 2019

"Extremely good at advocacy."

Professional Negligence, The Legal 500 2019

"Very impressive and a clear thinker." "Effective and thorough." "An excellent barrister who is very responsive and commercial."

Construction, Chambers & Partners UK Bar 2018

"Enthusiastic and a very capable team player."

Construction, The Legal 500 2017

"She is very robust, technically sound and has a strong manner."

Professional Negligence, The Legal 500 2017

"She is very approachable, responsive and clear in her advice. She is able to serve both private and commercial clients extremely well."

Construction, Chambers & Partners UK Bar 2017

"Calm, collected and unflappable: all great qualities to have in an advocate."

Construction, Chambers Global 2017

"She relates well to judges and witnesses, and is very approachable."

Construction, The Legal 500 2016

"Highly rated."

Professional Negligence, The Legal 500 2016

"She listens to other points and then comes in with the real killer points she's been noting." "She's tremendously enthusiastic; you feel as though your case is the most important she's got."

Construction, Chambers & Partners UK Bar 2016

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.