



Stuart Murphy

Partner



Areas of Law: Construction and Engineering

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Background

Stuart Murphy attained a degree in law (LL.B. Honours) from the University of Liverpool in 1989. Having trained with Mills & Reeve from 1990 to 1992, Stuart joined construction specialist firm Masons (now Pinsent Masons) and worked in their construction department in Bristol until 2007. In 2007 Stuart joined Carson McDowell, becoming a Partner in 2010 and he heads up the firm's Construction and Engineering Team.

Stuart specialises in both non-contentious contract drafting and negotiating (and has extensive experience of the major industry standard forms such as NEC, JCT, ICC, FIDIC, RIBA, ACE and many others), as well as contentious construction disputes, regularly acting in adjudications, arbitrations and litigation in the High Court and above. Stuart's experience includes not just construction projects in Northern Ireland, but major projects in SE Asia, Africa and throughout Europe.

In Chambers & Partners UK 2014 Stuart is praised by clients for having "strong communication skills and in-depth knowledge of the construction industry." In the Legal 500 2013 Stuart is described as being 'extremely good', and is praised for giving 'clear advice and guidance'.

Experience

Contract Drafting and Negotiation

- **Belfast Harbour Commissioners** – providing drafting services for a number of major construction projects for this client and in particular, for the **Titanic Quarter development**, including the construction elements of the landmark **Titanic Signature Project** (based on the NEC form of contract), and the £50 million **D1 wind turbine erection facility** for Danish Oil and Natural Gas (based on a FIDIC form).
- Advising a **main contractor** joint venture on the terms of its sub-contracts for a **major hospital project**, where the contracts were based on the GC/Works form.



- **Apex Procurement (NI) Ltd**, the central purchasing body for a consortium of 11 NI housing associations – drafting NEC based contracts for a number of separate design team frameworks.
- Advising **Apex Housing Association** in relation to the NEC based construction contract documents to be used on a range of its new build and refurbishment projects, including draft bespoke amendments for to the NEC3 Engineering and Construction Short Contract.
- Advising **Abacus Procurement Group** (an unincorporated collaborative partnership of Housing Associations) on the drafting of an NEC3 term service contract for all trades maintenance services.
- Advising a number of the major banks and other financial institutions (**Bank of Ireland, Anglo Irish, Bank of Scotland** and **Irish Nationwide**) in relation to the construction documents for projects on which they were providing the funding or in relation to which receivers had been appointed.
- Carrying out a review of the tender documents on a major transport infrastructure project for **McLaughlin & Harvey** and advising on the key elements of risk involved.
- Drafting the conditions of contract for the appointment of a range of consultants for the **University of Ulster's** £250 million **Belfast Campus relocation project** and advising the University in relation to the procurement strategy to be adopted for the construction phase of the project.
- Drafting standard terms and conditions for the **University of Ulster's** engineering contracts, together with advice on the procurement methods to be used by the University.
- Advising **Queen's University Belfast** on and drafting various sets of conditions of contract, warranties, novation agreements and other construction documents.
- Acting for a **commercial property developer** in relation to the refurbishment of the **Scottish Provident Building** in Belfast, including the drafting and negotiation of the construction documents and advising on contractual issues during the course of the works.
- Acting for a **property developer** in the drafting and negotiating of a suite of JCT based contract documents and warranties in relation to development of two **major apartment blocks in central Belfast**.
- Acting for one of Northern Ireland's largest **civil and structural engineering firms** to draft terms for their sub-consultancy agreements.

Adjudication

- Acting for **Belfast Harbour Commissioners** on a variety of adjudications against contractors in relation to a number of major infrastructure projects at the Port of Belfast.
- Acting for a **Northern Ireland Government Department** in relation to an adjudication arising under an NEC form of contract.
- Acting for the **University of Ulster** in defence of an adjudication commenced against it by a contractor relating to the construction of a major library facility on one of the University's campuses.



- Acting for several **Northern Ireland based main contractors** in relation to adjudications brought either to recover sums due under the respective contracts or in relation to allegations of defective work, including drafting of submissions and appearing as the advocate at hearings before the Adjudicator.
- **St Pancras Railway Station** – acting for the **main contractor** for the major redevelopment of the station in a series of adjudications with its sub-contractors.
- Advising the **Construction Employer's Federation** on its response to the public consultation on what became the Construction Contracts (Amendment) Act (Northern Ireland) 2011.

Other Dispute Resolution

- Acting for **two major Northern Ireland public institutions** in relation to separate disputes arising from structural issues with buildings on their property, one of which involved the partial collapse of the building.
- Advising **Belfast Harbour Commissioners** in relation to disputes arising following the insolvency of a contractor part way through the construction of a project, including dealing with the Administrator, various sub-contractors and advising on retention of title claims.
- Advising **Queen's University Belfast** in relation to the consequences of the insolvency of one of its contractors before the completion of an on-going project, including issues arising under a performance bond.
- Acting for a major **firm of Quantity Surveyors** in relation to a dispute arising from the non-payment of their fees, including representing the firm at a mediation organised to try to resolve the dispute.
- Acting for a **local property developer** in connection with a significant dispute arising from a prestigious residential development, which involved a series of adjudications, arbitration proceedings, related actions in the Northern Ireland High Court and a mediation.
- Acting for a **major UK corporation** in relation to disputes arising from the upgrading of engineering infrastructure in Cyprus.
- Acting for a **major Grammar School** in defence of a claim for delay and disruption brought by a contractor who had carried out redevelopment works. The matter was dealt with by means of a JCT arbitration, but also involved a significant application to the Technology and Construction Court in London to deal with issues relating to the arbitrator's jurisdiction.
- Representing a **main contractor** in relation to a variety of disputes arising out of the £36 million design and construction of a headquarters office development, especially in relation to the mechanical and electrical engineering works. The matter was resolved by arbitrations under the CIMA Rules.
- A dispute arising out of an alleged consultancy agreement, defending a claim against a **large building components company** up to and including the English Court of Appeal.

- Acting for a **foreign government body** in relation to a tunneling dispute in Southern Africa under a FIDIC form of contract, involving claims of about US\$100m, including dealing with the appointment of a UNICTRAL arbitration panel and with issues relating to expert evidence and adverse ground conditions.

Energy Projects (Contentious and Non-Contentious)

- Advising a **main contractor** on the form of both the main contract and its sub-contracts for a series of wind farm projects, as well as associated warranties etc.
- Drafting contracts for the **owner of a wind farm** for electrical balance of plant works and the installation of a security system, both of which were based on the NEC form.
- Acting for a **civil engineering contractor** in relation to a dispute arising from the construction of concrete bases and foundations for wind turbines on two wind farms.
- Advising a **main contractor and turbine supplier** in relation to prolonged negotiations to settle disputes totaling approximately £135 million, arising out of defects in a UK combined cycle gas turbine plant.
- Acting for a **major international engineering consortium** in connection with the construction of a power station in Greece where the sums in dispute were in excess of €20 million.
- Acting for the **owner of a gas-fired power plant** in S.E. Asia in an ICC arbitration, relating to claims arising from delay in construction of the power plant and defects. The matter progressed to a series of hearings on the merits (lasting 6 weeks in total) and included extensive factual and technical expert evidence.
- Leading a team acting for **design engineering and procurement consultants** in relation to a dispute about oil and gas platforms offshore Nigeria. The dispute was the subject of an ICC arbitration but was settled through mediation.
- Advising an engineering procure and construct (**EPC**) **contractor** in relation to its insurance obligations for a power plant in Oman.