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FIONNUALA McCREDIE QC

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Areas of practice

- Construction & Engineering
- EU Procurement
- Professional Negligence
- Property

Clerks' Details

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Practice overview

Fionnuala McCredie was called to the Bar in 1992 and specialises in the fields of construction and engineering, public procurement, energy, environment and professional negligence related claims and insurance disputes.

Miss McCredie's practice covers a wide range of advocacy, advisory and drafting for both domestic and international clients. Her advocacy expertise has led her to regularly act for clients in the High Court, especially the Technology and Construction Court, as well as the Court of Appeal and appear before arbitrators, adjudicators and other tribunals. She is a CEDR certified mediator and a very experienced mediation advocate.

Recent work includes the notable cases of *Roche Diagnostics Ltd v The Mid Yorkshire Hospitals NHS Trust* and *Pearson Vue v Minister for the Cabinet Office* on early and specific disclosure in procurement cases. *Liconic AG v UK Biocentre* defeating a claim for strike out/summary judgment where pleadings disclosed an arguable case that the Defendant met the criteria for being a contracting authority. In *Eurocom v Siemens* the court refused to enforce an adjudicator's decision finding a strong prima facie case of fraudulent misrepresentation to the RICS as to conflicts of interests would render an adjudicator's appointment invalid. *Working Environments Limited v Greencoat Construction Limited* was the first example of severance of part of an adjudicator's decision, *Harry Yearsley Ltd v Secretary of State for Justice*, successfully defending an attempted strike out in a procurement case involving the supply of food to prisons, *Amaryllis Ltd v HM Treasury (sued as ogcbuying solutions)* in

which the procurement process involved the supply and installation of furniture for a variety of government departments and *Carillion JM Ltd v Bath* and *North East Somerset Council*, which related to the Bath Spa project where the contractor claimed the net sum due on its final account, while the employer counterclaimed for delay and inadequate remedial works.

Recent Cases

Construction & Engineering

- Extensive experience in contentious and non-contentious construction work.
- Acted in litigation, arbitration, adjudication and mediation (as advocate).
- Disputes have involved commercial and domestic property, structural glass and cladding, railways, roads, mining disputes, water, marine and aviation hardware disputes, dredging and marine engineering disputes and process plants (chemical and water treatment plants) and IT disputes.
- Subject areas include standard and bespoke contracts, PFI and facilities management disputes, repudiation, termination, loss and expense claims and retrospective delay analysis, including comparative delay analysis methodologies.

“Really helpful even in the most difficult circumstances. She has a good eye for a case and can anticipate the opposition’s next move.”

Chambers UK Bar, 2015

EU Procurement

- Currently advising in a number of claims against public authorities including a claim against a prominent central government department under the public contract regulations.
- Acted in a notable case, in which the procurement process involved in the supply and installation of furniture for a variety of government departments.

“Particularly strong on client relations.”

Legal 500, 2015

Professional Negligence

- Experience in both construction related professional negligence (architects, engineers, contractor designed works, surveyors, valuers etc.) and solicitors negligence.

Property

- Defends contractors and developers in Health & Safety prosecutions resulting from death and injury on site.
 - Defended Property Misdescriptions Act prosecutions of developers.
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Environmental (including environment related crime)

- Acts for developers in Environment Protection Act matters, including prosecutions relating to remediation of brownfield land, waste disposal and under the Property Misdescriptions Act.
- Experience of negotiation with, and submissions to, the Environment Agency in order to avoid threatened prosecution.
- Advised on process industry compliance with permit requirements.

Selected Reported Cases

- *Eurocom Limited v Siemens Plc* [2015] QBD (TCC) (12 February 2015)
- *Eurocom Limited v Siemens Plc* [2014] EWHC 3710 (TCC) (07 November 2014)
- *Liconic AG v UK Biocentre Limited* [2014]
- *Pearson Driving Assessments Limited v The Minister for the Cabinet* [2013] EWHC 2082 (TCC)
- *Roche Diagnostics Limited v The Mid Yorkshire Hospitals NHS Trust* [2013] EWHC 933 (TCC)
- *Roche Diagnostics Ltd v The Mid Yorkshire Hospitals NHS Trust* [2013] EWHC 933 (TCC)
- *Working Environments Limited -vs- Greencoat Construction Limited* [2012] EWHC 1039 (TCC)
- *Harry Yearsley Ltd v Secretary of State for Justice* [2011] EWHC 160
- *Hyder Consulting (UK) Ltd v Carillion Construction Ltd* [2011] EWHC 1810 (TCC)
- *Amaryllis Ltd v HM Treasury (sued as ogcbuying solutions) (No.2)* [2009] EWHC 962 TCC, [2009] EWHC 1666 (TCC), (2009) 25 Const LJ 528, [2009] BLR 425 and [2010] Eu LR 152
- *Carillion JM Ltd v Bath and North East Somerset Council* [2009] EWHC 166 (TCC), [2009] TCLR 5 TCC
- *Quartzelec Ltd v Honeywell Control Systems* [2008] EWHC 331 (TCC); (2009) CILL 2665
- *Cubitt Building & Interiors Ltd v Fleetglade Ltd* [2006] 110 Con LR 36
- *Tera Construction v Lam* [2005] EWHC 3306 (TCC)
- *Hotel Services Ltd v Hilton International Hotels (UK) Ltd* [2000] BLR 235 CA
- *Hotel Services Ltd v Hilton International Hotels (UK) Ltd* [1997] EWCA Civ 1822
- *Christiani & Nielsen Ltd v Birmingham City Council* (1994) ; 52 Con. L.R. 56

Seminars, Publications & Papers

- *Eurocom v Siemens*: as “strong prima facie” case of fraudulent misrepresentation, Practical Law Construction blog, 12 November 2014
- Researcher, Keating on Construction Contract - Ninth Edition (2012)
- Using Part 8 to finally determine issues and enforce part only of an adjudicator’s decision Fionnuala McCredie QC and William Webb 3 February 2010
- Lectures regularly and also provides CPD for solicitors on procurement issues.

Education & Professional Career

Manchester University - Bsc (Hons) Geography	1983 - 1986
Housing Association Development Officer	1986 - 1990
Brunel University - MA Public & Social Administration	1987 - 1990
Middlesex Polytechnic Business School - CPE	1990 - 1991
Called to the Bar (Middle Temple)	1992
3 Serjeants' Inn	Up to 2008
Keating Chambers	2008
Benchers, Middle Temple	2010
Silk	2013
CEDR Accredited Mediator	2014

Memberships

Commercial Bar Association (COMBAR)
Technology and Construction Bar Association (TECBAR)
London Common Law and Commercial Bar Association
Society of Construction Law

Additional Information

Fionnuala enjoys skiing, rock climbing, running and family life with her children.