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SARAH HANNAFORD KC

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Areas of practice

- Construction, Engineering & Infrastructure
- Public Procurement
- Commercial & PFI
- Energy & Offshore Construction
- Professional Negligence
- Property
- IT & Technology

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Practice Overview

Sarah Hannaford KC is a leading commercial barrister whose work spans both the United Kingdom and international markets. She specialises in construction, engineering, infrastructure and energy disputes together with professional negligence work within these areas of expertise. She has also carved out a strong procurement practice in recent years. Sarah was called to the Northern Ireland Bar in 2015.

Sarah is widely regarded as a star of the Procurement Bar and is the natural choice for complex high value procurement issues. She is instructed in the most significant cases in this area, regularly advising Government bodies, local authorities, utilities and industry clients. Sarah has acted in numerous high profile procurement challenges, including the prominent case of *NATS v Gatwick Airport*, a dispute concerning the tender of air traffic control services. She recently acted for the UK Government in a multi party and high profile dispute relating to the procurement of criminal legal aid services, which was listed by the Lawyer as one of the top cases of 2016.

Sarah is recommended by Chambers UK Bar as a “*multi-talented QC with a remarkably wide practice*” and by The Legal 500 as being “*at the forefront of the construction sector.*” She is regularly instructed in complex construction and commercial disputes in the UK Courts, adjudication and international arbitration. She has experience in the full range of contractual claims which arise out of construction projects, including claims relating to defects, termination, delay and professional negligence. Recent work has included acting for

the Ministry of Justice in relation to electronic monitoring claims against Serco and G4S, and acting for the Secretary of State for Defence in two substantial disputes relating to a nuclear submarine base. She also has considerable expertise in energy, offshore construction and shipping disputes, including acting high profile disputes such as the Solitaire and the Varg.

Sarah has experience in disputes involving most standard form contracts including the JCT standard forms, ICE, NEC, IChemE and FIDIC forms. She also regularly advises on PFI contracts, PPP contracts and facilities management contracts, including both the waste and health sectors.

Sarah is the author of a chapter in Keating on Construction Contracts (10th edition, 2016). She has also authored key publications on party walls and rights of light (another area in which she has considerable expertise). She frequently lectures on topical issues in construction and procurement law.

In addition to her work as Counsel, Sarah sits as arbitrator and is a trained mediator and accredited adjudicator.

Recent cases

Construction, Engineering & Infrastructure

- **Secretary of State for Defence v Turner Estate Solutions Ltd** – Acting for the Claimant in a substantial long-running dispute in relation to a final account and defects at a nuclear submarine base. Reported judgments related to the Secretary of State’s application under s.68 of the Arbitration Act 1996 and an application for determination of a preliminary point of law under s.45 of the Act.
- **AMEC Group Ltd v Secretary of State for Defence** – Acting for the Secretary of State for Defence in a high value (£100m+) and long running dispute in relation to a nuclear submarine base, including an appeal under s.69 of the Arbitration Act 1996.
- **WW Gear Construction Ltd v McGee Group Ltd** – Acting for the Defendant in Part 8 proceedings in which the Claimant sought a declaration of the meaning of a clause in the amended form of the JCT Trade Contract.
- **Harrison v Shepherd Homes Ltd and NHBC** – Acting for the NHBC in a substantial claim by c.70 home-owners arising out of foundation and infrastructure defects in a housing estate in Hartlepool.
- Advising a council on claims and remedies against its developer and contractors in relation to concrete defects in 2 high profile new council buildings.
- Acting for a Northern Ireland construction company in relation to the settlement of a quay.
- Acting for London Underground in a substantial adjudication in relation to an NEC contract for station modernisation and upgrades.
- Acting for the Secretary of State in relation to major defects arising from the design and construction of the Thelwall Viaduct under the ICE standard contract form. Reported decision included a judgment setting out the test for the meaning of “dispute”.

“Sarah is a superb advocate and a great adviser. She is authoritative, very clear with solicitors and clients, and rightly has a great reputation as one of the best in the public procurement world. Her preparation for advocacy is absolutely meticulous, delving right into the detail, and coming up with additional points to support her advocacy. Her cross-examination skills are first-class. She is also very responsive, working extremely hard to get everything done to the best of her ability.”

Construction, Legal 500 2024

Public Procurement

- **Joseph Gleave & Son Ltd v Secretary of State for Defence** – Where a party challenged the legality of the tender documents in a public procurement case, there was no presumption in favour of an expedited trial.
- **Kent Community Health NHS Foundation Trust v NHS Swale Clinical Commissioning Group and NHS Dartford, Gravesham and Swanley** – Acting for NHS Dartford, Gravesham and Swanley Clinical Commissioning Groups in successfully lifting an automatic suspension.
- Acting for the Legal Aid Agency (formerly the Legal Services Commission) in a number of challenges to its procurement of legal aid services, in the TCC, Administrative Court and Court of Appeal. Most recently, she was instructed to defend challenges brought by 115 claimants to a procurement by the LAA for contracts for criminal legal aid work.
- **Geodesign Barriers Ltd v Environmental Agency** – Acting for the Claimant in a challenge to the procurement of flood barriers.
- **Solent NHS Trust v Hampshire County Council** – Acting for the Claimant in this procurement challenge concerning alleged errors in the evaluation of the tenders in respect of £40m contract for substance misuse recovery services.
- **Heron Brothers Ltd v Central Bedfordshire Council** – Acting for the Claimant in a challenge to the procurement of a construction project. The case concerned time limits for service of Claim Forms in procurement cases and whether a Court could extend the time for service or otherwise correct defects in the service .
- **NATS (Services) Ltd v Gatwick Airport Ltd** – Acting for the Claimant in a substantial procurement challenge relating to the provision of air navigation services at Gatwick Airport. This is one of a small number of cases in which the claimant has been successful in resisting an application by the defendant to lift the automatic suspension.
- **DWF LLP v Secretary of State for Business Innovation and Skills** – Acting for the Secretary of State in a Court of Appeal procurement challenge.
- **Travis Perkins Trading Company Limited v Caerphilly County Borough Council** – Acting for the claimant in a substantial procurement dispute relating to a contract for the supply of building materials in Wales.

“A true expert in procurement law.”

Public Procurement, Legal 500 2024

- **Covanta Energy Limited v Merseyside Waste Disposal Authority** – Defending a claim concerning the procurement of a contract for a high profile waste disposal project. The case raised complex questions about the operation of the competitive dialogue procedure and the UK’s transposition of European Directives and was widely reported in the press.
- **BY Development Ltd & Ors v Covent Garden Market Authority** – Acting for Claimants in relation to alleged flaws in the procurement process for a £2bn project to redevelop New Covent Garden Market.
- **Alstom Transport v Eurostar International Ltd** – Acting for the Claimant in the high profile litigation concerning the award of a €1.2bn contract for supply of trains for the Eurostar service. The case raised issues under the Utilities Contracts Regulations 2006, including the definition of utilities.
- Acting for National Express in the high profile cancellation of the Great Western train franchise competition (related to the West Coast Main Line dispute).

Commercial & PFI

- Acting for the Ministry of Justice in claims for recovery of overpayments of some £200m under contracts with Serco and G4S for electronic monitoring/tagging of offenders.

- Acting for a major facilities management company in high value adjudications in the health sector.
- Acting for Government Department in adjudication claims arising from a contract for the provision of security services to the courts.
- Acting for an NHS body in a major dispute over payment for patient transport services.
- Acting for Government departments in relation to contract disputes for the provision of food to prisons and offender management services.
- Advising on the termination of a facilities management contract.
- Advising on a PFI contract for facilities management services at courts.
- Regularly acting on PFI contracts cases in the waste and health sectors.

“Sarah is an absolutely superb advocate. She is crystal clear, totally in command of all the issues and the facts, and her cross-examination was a joy to watch.”

Construction, Legal 500 2023

Energy & Offshore Construction

- Advising on contractual issues in relation to the proposed development of windfarms.
- Acting for the contractor in a substantial trial concerning the re-processing of spent fuel at Sellafield.
- Acting of the Defendant in procurement challenges relating to de-commissioning of Sellafield.
- Advising in relation to a contract for operation of a natural gas transmission pipeline.
- Acting for the Singaporean shipyard Sembawang in relation to a long-running arbitration under LMAA rules concerning a pipe-laying vessel for the oil & gas industry. The arbitration was the largest marine arbitration ever held in London.
- Acting for the contractor in disputes about the design and construction of a energy from waste plant in the UK.

“Extremely knowledgeable and very good at thinking on her feet. Communicates in a very effective way which distills complicated issues into very digestible and understandable way.”

Construction, Legal 500 2022

Professional Negligence

- Acting for a multi-disciplinary consultancy in a substantial claim for professional negligence relating to the design and construction works at a school.
- Acting for the Claimant in a claim against engineers relating to defects in a warehouse including cracking concrete and water ingress.
- Advising employers on professional negligence issues arising in public procurements.

Property

- **Kaye v Lawrence** – Acting for the Appellant in this appeal concerning the extent to which security may be required under section 12(1) of the Party Wall etc. Act 1996.
- Advising on party wall issues during an ongoing major central London development.
- Frequently advising on party wall appeals, rights of light and other easements.
- Professional negligence claim in relation to structural damage to three properties during construction of a substantial development.

“She is everything you could wish for in an advocate: She retains the facts, she knows the law, and she makes her points with killer precision.”

Procurement, Legal 500 2021

IT & Technology

- Acting for the Ministry of Justice in claims for recovery of overpayments of some £200m under contracts with Serco and G4S for electronic monitoring/tagging of offenders.
- Acting for a Government department in relation to delays and additional costs of the implementation of a substantial new IT system.
- Regularly advising Government departments and NHS bodies on procurement and contractual issues arising from contracts for IT services.

Selected Reported Cases

- **Siemens Mobility Limited v High Speed Two (HS2) Limited** [2023] EWHC 2768 (TCC)
- **International Game Technology Plc v Gambling Commission** [2023] EWHC 2226 (TCC)
- **International Game Technology v The Gambling Commission** [2023] EWHC 1961
- **Camelot UK Lotteries Ltd v The Gambling Commission** [2022] EWHC 1664 (TCC)
- **Atos Services UK Ltd v Secretary of State for Business, Energy, and Industrial Strategy & Anor** [2022] EWHC 42 (TCC)
- **Kellogg Brown & Root Limited v MOPAC & MPS** [2021] EWHC 3321 (TCC)
- **Bechtel Limited v High Speed Two (HS2) Limited** [2021] EWHC 458 (TCC)
- **Community R4C Ltd v Gloucestershire County Council** [2020] EWHC 1803 (TCC)
- **DHL Supply Chain v Secretary of State for Health and Social Care** [2018] EWHC 2213 (TCC)
- **Joseph Gleave & Son Ltd v Secretary of State for Defence** [2017] EWHC 238 (TCC)
- **Kent Community Health NHS Foundation Trust v NHS Swale Clinical Commissioning Group “CCG” and NHS Dartford, Gravesham and Swanley** [2016] EWHC 1393 (TCC)
- **Secretary of State for Defence v Turner Estate Solutions Ltd** [2015] EWHC 1150 (TCC) [2014] EWHC 244 (TCC)
- **Geodesign Barriers Limited v The Environment Agency** [2015] EWHC 1121 (TCC)
- **Solent NHS Trust v Hampshire County Council** [2015] EWHC 457 (TCC)
- **Heron Bros Ltd v Central Bedfordshire Council (No 2)** [2015] EWHC 1009 (TCC)
- **NATS (Services) Limited v Gatwick Airport Limited** [2014] EWHC 3728 (TCC) [2014] EWHC 3133 (TCC)

- **Travis Perkins Trading Company Ltd v Caerphilly County Borough Council** [2014] EWHC 1498 (TCC)
- **Covanta Energy Ltd v Merseyside Waste Disposal Authority** [2013] EWHC 2922 (TCC) [2013] EWHC 2964 (TCC)
- **AMEC Group Ltd v Secretary of State for Defence** [2013] EWHC 110 (TCC)
- **BY Development Ltd v Covent Garden Market Authority** [2012] EWHC 2546 (TCC)
- **Hossacks (A Firm of Solicitors), R (on the application of) v The Legal Services Commission** [2012] EWCA Civ 103
- **WW Gear Construction Ltd v McGee Group Ltd** [2012] EWHC 1509 (TCC)
- **Harry Yearsley Ltd v Secretary of State for Justice** [2011] EWHC 160
- **Exel Europe Ltd v University Hospitals Coventry and Warwickshire NHS Trust** [2010] EWHC 3332
- **Kaye v Lawrence** [2010] EWHC 2678 (TCC), [2010] NPC 106, [2011] 1 All ER 1088, [2011] BLR 77, [2010] 44 EG 124, [2011] 1 EG 66, [2011] CILL 2955
- **Alstom Transport v Eurostar International Ltd** [2010] EWHC B32 (Ch) [2010] EWHC 2747, [2011] Eu LR 229
- **Croft House Care Ltd v Durham CC, Orchard Home Care Ltd v Durham CC, Kelly Park Caring Agency v Durham CC** [2010] EWHC 909 (TCC), [2011] PTSR 363
- **European Dynamics SA v HM Treasury** [2009] EWHC 3419 (TCC), [2010] Eu LR 397, (2010) 26 Const LJ 191 and 128 Con LR 36
- **Amaryllis Ltd v HM Treasury (No.2)** [2009] EWHC 962 TCC, [2009] EWHC 1666 (TCC), (2009) 25 Const LJ 528, [2009] BLR 425 and [2010] Eu LR 152
- **R (on the application of the Law Society) v Legal Services Commission & the Lord Chancellor** [2007] EWCA Civ 1264; [2008] 2 W.L.R. 803; [2008] 2 All E.R. 148
- **Mast Electrical Services v Kendal Cross Holdings Ltd** [2007] EWHC 1296 (TCC)
- **British Nuclear Group Sellafield Ltd v Kernkraftwerk Brokdorf and others** [2007] EWHC 2245 (Ch) (long trial concerning re-processing of spent fuel at Sellafield)
- **Environment Agency v Lewin Fryer & Partners** [2006] Con LJ Vol 22 No.8 p574 TCC; EWHC 1597 (TCC)
- **BFS Group Ltd v (1) Secretary of State for Defence (2) Purple Foodservice Ltd** [2006] EWHC 1513 (Ch); [2006] Eu. L.R. 1101
- **AMEC Civil Engineering Ltd v Secretary of State for Transport** [2005] 1 WLR 2339 CA, [2005] Con LJ Vol. 21 No.8 p.640 CA, [2005] 101 Con LR 26 CA, [2005] CILL 2228 and [2005] BLR 227 CA and [2005] CILL 2189 TCC (the meaning of 'dispute' and the operation of Clause 66 of the ICE standard form)
- **CIB Properties Ltd v Birse Construction Ltd** [2004] EWHC 2365 (TCC); [2005] 1 WLR 2252; [2005] BLR 173

Education & Professional Career

Called to the Bar of Northern Ireland	2015
Queen's Counsel	2008
Trained Mediator	2006
TECBAR Accredited Adjudicator	2004
Appointed to the Treasury A Panel	2003
Member of the Commercial Bar Association (COMBAR)	1993
Member (and former Committee Member) of the Technology and Construction Bar Association (TECBAR)	1991
Keating Chambers	1990
Called to the Bar (Middle Temple)	1989
MA in Jurisprudence, Lincoln College, Oxford	1986

Memberships

Technology and Construction Bar (TECBAR)

Commercial Bar Association (COMBAR)

Society of Construction Law (SCL)

Seminars, Publications & Papers

- Co-author, Keating on Construction Contracts - Tenth Edition (2016)
 - RICS Case in Point: Rights to Light (2008)
 - Halsbury's Fuel and Energy Volumes 19(1) to (3) (October 2007)
 - RICS Case in Point: Party Walls (2004)
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Lectures

Regularly lectures in construction and procurement industry events including White Paper conferences, RICS construction conferences and Procurement Lawyers Association seminars.

Languages

French (working knowledge)

Spanish (working knowledge)

Additional Information

In her spare time Sarah enjoys skiing and is a keen tennis player.