



## **JENNIFER VARLEY**

**Partner**  
**London**

E: [jennifer.varley@bcplaw.com](mailto:jennifer.varley@bcplaw.com)

T: [+44 \(0\) 20 3400 2255](tel:+44(0)2034002255)

## **BIOGRAPHY**

Jennifer is experienced in construction and engineering claims and disputes, including complex litigation and international arbitration. She advises clients on industry specific issues including claims relating to defects, delay, payment and final account settlement.

## **ADMISSIONS**

- England and Wales

## RELATED CAPABILITIES

- Construction Disputes
- Litigation & Dispute Resolution
- Energy Transition
- Real Estate

## RELATED INSIGHTS

Insights

Aug 21, 2023

### **Risk mitigation in a volatile price market**

The construction industry will continue to face rising material prices, volatile markets and inflation. Disputes go hand in hand with rising prices as projects become much more difficult to complete on time and within budget. However, contractors can take some steps to protect themselves in a volatile market and manage liabilities and disputes if they arise.

Insights

Mar 24, 2022

### **Managing PFI contract expiry risks – updated IPA guidance**

Insights

Jan 12, 2022

### **PFI ‘Health Checks’: The latest proposal to manage PFI expiry risk**

On 16 December 2021, the PFI Centre of Excellence issued its Phase 1 PFI Expiry Health and Learnings Report. In this BCLP Insight, Jennifer Varley considers how these development areas may impact both the public and private sector.

Insights

Sep 01, 2021

### **How to avoid PFI contract expiry risks**

Insights

Mar 11, 2021

### **A final account problem – JSM Construction v Western Power**

The final account is normally a wrap-up of the contractor’s valid claims for extra payment. It’s particularly helpful if claims were not submitted or assessed as works progressed. So, what happens if the contract doesn’t have a final account procedure but there are claims outstanding once the works are finished? Can a final account procedure be implied under section 110(3) of the Construction Act 1996? This was one of the questions the TCC faced in the recent case of JSM Construction v Western Power.

Insights

Jan 25, 2019

### **S&T v Grove [2018]: Smash and grab lives on**

Legal commentators forecast the demise of 'smash and grab' adjudications following the first instance decision in *Grove v S&T*. Upholding that decision, the Court of Appeal decided that an unsuccessful party to a 'smash and grab adjudication' can commence a separate adjudication seeking a decision as to the true value of its interim payment application. An employer can now adjudicate to recoup an overpayment without waiting for the next payment cycle (which was the position before the decision in *S&T v Grove*). Does the decision herald an end to 'smash and grab' adjudications? Will contractors be deterred because the employer can more quickly reclaim the overpaid amount? Not likely. The benefit to contractors of the 'smash and grab' adjudication is more than a temporary windfall. It offers the contractor cash flow, negotiating power in final account negotiations and puts the burden on the employer to dem...