



SHY JACKSON

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BIOGRAPHY

Shy's construction and engineering practice covers project advice and acting in disputes related to UK and international projects. His experience covers litigation, arbitration, adjudication and ADR and he has advised on all main forms of contract, including NEC, JCT and FIDIC. He is a Fellow of the Chartered Institution of Arbitration and a Fellow of the Chartered Institution of Civil Engineering Surveyors.

He has been listed in Chambers & Partners since 2011 and quotes include "a clear thinker and communicator, and technically very good.", "fiercely bright", "He is very conscientious, technically and strategically good and a very good litigator." and his "brain is in a different league to anyone else, and he gives good legal steers to navigate through issues.". He is also listed in legal 500 and as a Thought Leader in the International Construction Who's Who Legal 2020.

AREAS OF FOCUS

- Commercial Construction & Engineering

PROFESSIONAL AFFILIATIONS

- Fellow of the Chartered Institution of Arbitrators
- Fellow of the Chartered Institution of Civil Engineering Surveyors
- Member of the Society of Construction Law
- Member of the Law Society, England and Wales.

ADMISSIONS

- England and Wales

RELATED PRACTICE AREAS

- Construction Disputes
- Litigation & Dispute Resolution
- Real Estate

EXPERIENCE

Shy has experience of acting for all parties in construction projects and his recent cases include:

- Acting for a developer in a number of adjudications in connection with a luxury residential development in London.
- Advising contractors in relation to a number of complex high value rail projects in London, including acting in adjudications.

- Acting for an EPC contractor in relation to a waste treatment plant and defending claims related to the plant's performance, involving proceedings in the Technology and Construction Court.
- Acting for an international EPC contractor in an ICC arbitration in relation to a project in Australia.
- Acting for a joint venture in relation to various issues arising out of highway maintenance contracts in the UK.

RESOURCES

PUBLICATIONS

Shy regularly speaks at industry events and is a visiting lecturer on the Construction Law MSc at King's College London and the International Construction Practice and Law MBE at the University of Stuttgart. Shy is active within the industry and has been an elected member of the Society of Construction Law Council since 2012 and the treasurer since 2019. In 2019 he was also appointed as a member of the NEC Board.

His recent publications include a joint paper with Professor David Mosey on "Good Faith and relational contracting – do enterprise contracts offer a way through the woods?" published by the Society of Construction Law in 2020, What do the words mean: Different approaches to the interpretation of contracts, a joint paper with Wolfgang Breyer, Julio Bueno and Brian Gaudet, presented at the 2018 North American Society of Construction Law and published by the International Construction Law Review, and he writes regularly for publications such as the RICS Journal and the NEC Newsletter. Shy has also contributed to leading textbooks, including the UK chapter of Studies in European Construction Law, published by the European Society of Construction Law in 2015, writing a chapter in Construction Law, Costs and Contemporary Developments: Drawing the Threads Together A Festschrift for Lord Justice Jackson, published in 2018 and contributing to International Construction Contract Law by Lukas Klee published by Wiley.

RELATED INSIGHTS

Events

Apr 03, 2024

BCLP Lawyer to speak at HKCA International Conference

Insights

Mar 18, 2024

NEC ECC Hong Kong Edition: 5 Key Features

Insights

Feb 19, 2024

Effective dispute avoidance in construction and infrastructure projects

In this article, BCLP partner Shy Jackson and Aluko & Oyebo partner Ngo-Martins Okonmah are collaborating to discuss the most effective means by which to avoid disputes relating to construction and infrastructure projects or, where that is not possible, to manage them more efficiently.

Insights

Feb 13, 2024

Can you smash & grab and argue about true value in the same adjudication?

In the case of Bellway Homes Limited v Surgo Construction [2024] EWHC 10 TCC, the court addressed whether it is possible to start a smash & grab adjudication but also a claim based on true value adjudication as a secondary position. Despite novel arguments to the contrary, the court determined that these are not separate disputes but rather form a single dispute that could be determined in one adjudication.

Insights

Nov 15, 2023

Case flags risk of unclear ADR procedure

While main contract suites offer standard dispute resolution clauses, these are often amended in practice. A recent case gives a warning of what happens when such bespoke provisions are not clear.

Insights

Nov 06, 2023

Adjudication decision rendered unenforceable due to inadmissible without prejudice material

Without prejudice is a phrase often used in communications between parties seeking to reach settlement. Whether or not communications will be regarded as without prejudice will depend on their substance and we recently looked at a decision that highlighted the uncertainty that this can create in normal commercial discussions. This Insight takes a look at the recent TCC decision of AZ v BY [2023] EWHC 2388 (TCC), which looked at the effect of referring to without prejudice material in adjudication. In this case, this led to the decision not being enforced.

News

Oct 19, 2023

Chambers UK Ranks BCLP in 41 practice areas and recognizes 74 lawyers

Insights

Aug 10, 2023

Can liquidated damages clauses set general cap?

A pair of cases in the past two years have come to opposite conclusions about whether general damages can be capped by contract provisions for liquidated damages.

Events

Jul 06, 2023

Partner presents at NEC Conference on the government's Construction Playbook