BCLP. Client Intelligent

SHY JACKSON

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BIOGRAPHY

Shy Jackson has a strong reputation for his representation of construction and engineering firms across a range of contentious matters, including high-stakes arbitrations, adjudications, court proceedings and various forms of Alternative Dispute Resolution proceedings. Shy's clients are involved in some of the most significant building, infrastructure and energy projects across the UK and internationally, with his breadth of experience having seen him advise and represent some of the world's leading developers across major road, rail and processing plant projects, as well as across high-value office buildings, luxury hotels and residential developments.

With over 20 years' experience in dealing with a wide range of construction related disputes throughout Europe, the Middle East, Africa and Asia, Shy provides his clients with strategic advice,

identifying commercial solutions and limiting the impact of adversarial situations relating to project delays, payments and quality issues. He is highly experienced in the main forms of construction contracts, including FIDIC and JCT, whilst being widely recognised as a leading expert on the NEC form of contract. Shy was appointed as a member of the NEC Contract Board during 2020 in recognition of his experience in advising on a number of substantial projects involving the NEC form of contract.

Shy is well known for his expertise in construction law, he is a Visiting Fellow at the Construction Law MSc course at King's College London and lectures at the Masters of Business Engineering course at the University of Stuttgart. In addition, he regularly speaks at industry events in the UK as well as internationally, having recently spoken in conferences in Lagos, Istanbul and Hong Kong on topics including FIDIC contracts and collaborative contracting, and has contributed to leading text books in addition to regularly writing on construction law topics. Shy has been recognised as a 'Global Elite Thought Leader' by Who's Who Legal for Construction and has consistently been commended for his expertise in Legal 500 and Chambers & Partners, having first been listed in 2011.

PROFESSIONAL AFFILIATIONS

- Solicitor Advocate, Law Society, England and Wales
- Fellow of the Chartered Institute of Arbitrators
- Fellow of the Chartered Institution of Civil Engineering Surveyors
- Member of the Society of Construction Law
- Member of the Technology and Construction Solicitors' Association

ADMISSIONS

- England and Wales

RELATED PRACTICE AREAS

- Construction Disputes
- Litigation & Dispute Resolution
- Business & Commercial Disputes
- International Arbitration
- Energy Transition

- 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's 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 at 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

Insights
Oct 03, 2024

Interpreting termination clauses: a recent example from the Court of Appeal

In this Insight, first published in PLC, Shy Jackson considers the Court of Appeal's decision in Providence Building Services Ltd v Hexagon Housing Association Ltd [2024] EWCA Civ 962 that a contractor was entitled to terminate a JCT Design and Build Contract, 2016 Edition for two late payments by its employer.

Events
Sep 25, 2024

BCLP partner Shy Jackson to speak at EIC Conference in Denmark

Events
Aug 02, 2024

BCLP partner to speak at IBEW Conference in Singapore

Insights
Jul 17, 2024

Confronting Corruption In The Construction Industry

Insights
Jun 12, 2024

Conditions precedent and time bars, getting around them

When a party fails to comply with a condition precedent, especially if such a provision includes a time limit for the fulfilment of the obligation, it will often advance various arguments to avoid the consequences of non-compliance. The case of of ISG Retail Ltd v FK Construction Ltd [2024] EWHC 878 (TCC) is an interesting example of the issues that may arise in this scenario. In this Insight, Shy Jackson and Yorkie Fong take a closer look at this case.

Insights
Jun 10, 2024

NEC and JCT: good faith compared

An article by Shy Jackson, first published in PLC, which considers "good faith" clauses and compares NEC's mutual trust and co-operation provision with JCT 2024's collaborative working provisions.

Insights
May 29, 2024

Hong Kong Security of Payment Bill gazetted

The long-anticipated Construction Industry Security of Payment Bill (“Bill”) was gazetted on 17 May 2024 and was introduced into LegCo for its first reading on 29 May 2024. The Bill aims to establish a legislative framework for addressing improper payment practices among contracting parties in the Hong Kong construction industry. Once in force, the Bill will replace the Development Bureau’s pilot scheme for the introduction of security of payment

provisions into public sector construction contracts which we discussed in our earlier Insights at Security of payment circular issued by the Development Bureau of Hong Kong – to take effect from 31 December 2021 and The new security of payment regime in Hong Kong – key issues to consider before its implementation.

Insights
May 15, 2024
Collaboration in practice under Singapore PSSCOC Option Module E and NEC4

Events
Apr 30, 2024
BCLP Lawyer to speak at CIArb International Conference in Cyprus

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