Governor’s House
5 Laurence Pountney Hill
London, EC4R 0BR
United Kingdom
T: +44 (0) 20 3400 1000
F: +44 (0) 20 3400 1111

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MEET THE TEAM

Segun Osuntokun
UK Managing Partner, London
segun.osuntokun@bclplaw.com
+44 (0) 20 3400 4619

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Since 2016, when our team won the first contested court application to use predictive coding in disclosure, we have been at the forefront of using technology to effectively manage the huge data volumes which we often see in commercial litigation, arbitration and investigations. And this requires specialist expertise, which we are fortunate to have in our in-house Forensic Technology team. In this insight, Clare Reeve Curatola ask our experts, Jason Alvares and Chris Wheatley, to share their insights and thoughts on the developments and challenges in forensic technology. They also share practical tips to optimise the process of retaining and collecting data and documents, which often prove crucial to successfully resolving a dispute. Short on time? Jump to our practical tips.

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Minimum Energy Efficiency Standards – here to stay or at risk of becoming redundant?
In September, ahead of the Conservative party conference, Rishi Sunak announced a step back from the Government’s net zero policy and targets. This was followed up last week by the Government’s formal response to the Climate Change Committee's 2023 Annual Progress Report to Parliament (October Response). Whilst we await detail on what might follow from a legislative perspective (several consultations are promised to land before the end of this year), the messaging suggests that the next steps in the domestic Minimum Energy Efficiency Standards (MEES) regime are now off the table, meaning domestic premises with an EPC of E or above may continue to be let on the open market, without any regulatory requirement for further investment from landlords (or resulting higher rents for tenants). If domestic MEES have been put on ice, where does that leave their sibling commercial (aka non-domestic)…
Corporate Briefing - November 2023

Welcome to the Corporate Briefing, where we review the latest developments in UK corporate law that you need to know about. In this month's issue, we discuss: The Takeover Panel publishes changes to Rule 21. The Takeover Panel has amended Rule 21.1 of the Code so that the board of a target company would no longer be restricted from taking an action that either is not material or is in the ordinary course of its business and which would not result in an offer or bona fide possible offer being frustrated. The Economic Crime And Corporate Transparency Act receives royal assent. The ECCTA has received royal assent, introducing a suite of wide-ranging reforms to tackle economic crime and improve transparency over corporate entities. 2023 UK Spencer Stuart Board Index. The 2023 UK Spencer Stuart Board Index highlights a fall in the proportion of first-time, female, and minority ethnic directors and a prioritisation...

Disputes in Focus: Quick Q&A on group claims

There are various ways in the English High Court to bring a claim, including as a group or representative action. Historically they have been underused but that is changing. Businesses are becoming increasingly interested in this ability to bring group actions and mass claims in the English High Court. In this blog, Clare Reeve Curatola outlines different ways to bring a civil commercial claim in the English High Court and asks fellow Litigation and Investigations partner, Ben Blacklock, to share his insights into the changing approach to group or class actions and mass claims in the English courts. Ben shares his thoughts on the key developments and changes that may be driving an increase in group actions, the challenges and the important considerations for Claimants and Defendants to consider in this area. Short on time? Jump to our key considerations.

The Takeover Panel publishes changes to Rule 21 (restrictions on frustrating action)

Following on from its earlier consultation, the Code Committee of the Takeover Panel has published its amendments to Rule 21 of the Code which take effect on 11 December 2023 and apply to on-going transactions which straddle this date. The principal changes amend Rule 21.1 so that the board of a target company would no longer be restricted from taking an action that either is not material or is in the ordinary course of its business and which would not result in an offer or bona fide possible offer being frustrated. The aim of the changes are to increase flexibility for target companies to carry on their ordinary course activities, including where these involve buying and selling assets, and to provide greater clarity as to the action that will and will not be restricted. Separately the Panel Executive has published changes to Practice Statement No. 5 (Rule 13.5 – invoking conditions and pre-conditions).

UK HR Two Minute Monthly: October 2023

Our October update includes a significant Supreme Court decision on how to treat historic underpayments of holiday pay, a preliminary tribunal hearing on whether a belief in race equality that opposed critical race theory was a protected philosophical belief, and another tribunal decision on when a refusal of alternative employment is unreasonable when the dismissal is unfair. We also feature a news update on the ICO’s latest guidance on employee monitoring, reports on historically high levels of sickness absence, and a draft ACAS code of practice on requests for predictable working patterns.
The Economic Crime and Corporate Transparency Act receives Royal Assent

The Economic Crime and Corporate Transparency Act (ECCTA) introduces a suite of wide-ranging reforms to tackle economic crime and improve transparency over corporate entities. Under the ECCTA, Companies House will have enhanced abilities to verify the identities of company directors, remove fraudulent organisations from the register and share information with criminal investigation agencies. This represents the biggest shakeup in its 180-year history. The ECCTA will also make significant changes to the law of corporate criminal liability.

Disputes in Focus: Quick Q&A on Civil Restraint Orders

Commercial disputes between individuals and/or companies often involve complex issues and debate. Sometimes, however, a claim is made without any legal and/or factual basis and, despite best efforts, the claimant is persistent in pursuing it. This can lead to the defendant incurring significant unnecessary wasted time and costs. In this blog, Clare Reeve Curatola outlines what Civil Restraint Orders are and how they can be used in commercial litigation when a company is facing persistent unfounded claims. Clare asks her Litigation and Investigations colleague, Associate Megan Smith, about her recent experience and she offers some great tips on how companies can mitigate risk and address vexatious litigants. Short on time? Jump to our top tips for responding to vexatious or meritless claims.

Disputes in Focus: Quick Q&A on contractual interpretation

Many commercial disputes involve a disagreement about how a provision in a contract should be interpreted. It is important to understand how a court would approach this question to help inform what to do next when stuck in such a dispute. In this insight, Clare Reeve Curatola outlines the established principles under English law for interpreting contracts and asks fellow Litigation and Investigations partner, Oran Gelb, about his recent experience of this issue in the specific context of exclusion clauses. Oran shares his insights and gives us his top tip for managing interpretation risk when drafting contractual exclusion clauses. Short on time? Jump to our practical tips.