

# Allen Dyer

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Allen Dyer has a general commercial practice.

He has particular expertise in the following areas:

- Construction & Engineering
- Professional Negligence
- Information Technology

Allen's clients include contractors and developers, engineers, architects, surveyors and solicitors. He is regularly instructed in substantial and factually complex construction and design disputes. He has extensive experience of professional negligence and IT disputes and without notice applications.

Allen is qualified to undertake Public Access work.

## Construction & Engineering

Allen is heavily involved in construction litigation in the TCC and arbitration in related fields. He also maintains an extensive practice in the Queen's Bench Division and the Court of Appeal.

He acts for the full range of construction industry bodies including developers, contractors, sub-contractors, architects, engineers, quantity surveyors, project and facilities managers. He has experience of every type of construction problem from foundation design to complex roof construction, as well as post-completion management disputes, and is highly regarded for his ability to identify and deliver the most appropriate method of dispute resolution for each case.

Most of his cases involve multi-million pound claims and are factually complex.

### Featured Construction & Engineering cases

Instructed by a major contractor in a case brought by a government department involving defective work to the roof of a timber slip classified as an ancient monument in Plymouth Dockyard. The case was appealed to the Court of Appeal on issues of estoppel, waiver and betterment.

Instructed by the engineers in a multi-million pound claim by the employers and contractors involving all parties concerned in the construction of an office development in Cambridge (UIPL/Alfred McAlpine v Hannah Reed & Others), the construction litigation running parallel to McAlpine v Panatown.

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Instructed by the developer of a housing estate constructed upon a partly-contaminated landfill site in Kent, suing the vendor of the land and his surveyor for misrepresentations.

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Acted for the claimant in an action involving the design of pumping equipment for an aluminium can smelting plant in Brazil. Progress of the action depended upon the progress of parallel proceedings in Brazil.

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Acted for a national firm of engineers in a claim against them arising from their design and supply of a complex air conditioning system at a well-known and high profile London museum's reserve artefacts store.

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Instructed by the engineers in an action brought by a London local authority in respect of the engineering design and the supervision of the construction of the Barking Barrage. Action settled at the door of the court.

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Instructed by the engineers in the Sheffield Supertram litigation, multiple personal injuries actions brought as a result of the design and construction of the city's tram system. The case involved complex issues relating to the design liability of different parties.

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Acted in two arbitrations involving the decommissioning of a nuclear establishment and the resale of surplus military equipment, in which questions arose as to the construction of GC/Works/1, one of the principal forms of government contract.

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Instructed by a construction industry tools supplier in a rights dispute with the inventor of a revolutionary construction power tool.

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Instructed by a facilities management supply company in a dispute over the termination of its FM agreement with a national supermarket business. The supplier has already been successful in a number of adjudications, and is now moving to litigate further aspects of the dispute.

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Instructed by a luxury residential property designer in a series of disputes with a finance provider over the disposal of a number of sites intended for the design and construction of luxury period properties.

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## Professional Negligence

Allen has extensive experience of professional negligence cases involving lawyers, surveyors, valuers, accountants, architects and engineers as well as cases relating to IT professionals. During the 1990s he was instructed in a large number of cases arising out of valuations of commercial properties throughout England and Wales, including office premises, hotels and schools. He has experience of solicitors' negligence actions, in which he has acted for both claimants and solicitors, in the British Virgin Islands and Hong Kong as well as in the UK.

### Featured Professional Negligence cases

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Instructed on behalf of the engineers in respect of a serious fire during the construction of a national retailer's headquarters in the north of England. The case involved the construction of the insurance provisions of the JCT contract. The main action settled at the door of the court but the admissibility of the Part 20 claims under the Civil Liability

(Contribution) Act 1978 was considered by the House of Lords who ruled them inadmissible.

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Instructed by a contractor sued by his employer in relation to a fire at an airport hangar. The case involved consideration of the insurance provisions of JCT 80 form of contract.

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Instructed on behalf of an international insurer to advise whether a policy could be cancelled and a claim in respect of a fire repudiated for the provision of false information in respect of a previous claim and to appear in subsequent litigation.

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Acted for a national recruitment company in the assessment of damages in a claim against its solicitors for failure to renew its tenancies of separate business premises occupied by it.

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Instructed by solicitors in a Part 20 claim against quantity surveyors arising out of their joint involvement in an arbitration concerning disputes which arose during the construction of a substantial shopping centre and hotel complex in the north of England.

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Acted for solicitors in the defence of a claim brought in respect of failed libel proceedings following reporting of the claimant's involvement in terrorist activities abroad.

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Instructed by the building owner in proceedings against its surveyor for negligent mis-measurement of the Manchester Corn Exchange following the Manchester bomb incident leading to its under-valuation for insurance purposes.

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Instructed by the claimant in a solicitors' negligence action in the British Virgin Islands concerning errors in conveyancing which resulted in a ransom strip blocking access to a luxury development on Tortola.

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Instructed by project managers to defend allegations of negligent supervision of wholesale supermarket refurbishments and repairs throughout England and Scotland.

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Instructed by the claimant in a solicitors' negligence action in which the issue was whether the claimant had received sufficient advice on the expiry of relevant limitation periods.

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## Information Technology

Allen is a long standing member of the 4 Pump Court information technology group and he is a member of the Society for Computers and Law. His work in this area includes cases concerning defects in computer software systems, acting for software and systems developers in programming design disputes, and acting for software retail groups in point of sale software disputes. He is also experienced in IT contract disputes.

### Featured Information Technology cases

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Acting for a national retail chain in regard to defects in their EPOS software.

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Acting for a major confectionery manufacturer when the software controlling a new production line malfunctioned.

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Acting for a substantial property company over defects in the controlling software for an air conditioning system.

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Advising a government department on the renewal of the contract for its search software.

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## Adjudication & Mediation

Allen has substantial experience of substantive adjudication work, both on behalf of referring or responding parties and as an adjudicator. He has been involved at all stages of adjudication proceedings, including jurisdictional issues, drafting notices and responses, and advocacy at hearings. He is accredited by TECBAR as an adjudicator, and has received a TECBAR appointment, as well as party appointments.

He has been instructed on behalf of a facilities management company in a series of multiple adjudications arising out of the termination of a facilities management contract following the acquisition of the client group by a national corporate entity. The FM company has succeeded in the majority of the adjudications, including the successful enforcement of one decision in the Technology and Construction Court.

He has also represented parties at mediations and during the pre-action protocol process.

## Other

Allen's commercial practice includes a recently concluded arbitration which lasted almost five years against a major government department over disputes which arose out of a 10 year commercial agreement.

He has extensive experience of employment disputes and discrimination cases. He has particular experience in applying for and resisting search and freezing orders and appeared in the leading case which examined in detail the practical operation of such orders.

He has considerable experience of fire claims, principally on the instruction of insurers.

Allen sat as an Examiner of the High Court for nearly twenty years, during which he conducted hundreds of examinations involving US litigation, EU and mesothelioma cases. He continues to sit as an examiner by way of private party appointments.

## Appointments

- TECBAR approved adjudicator
- Trained mediator
- Admitted to practise in the British Virgin Islands (2001)

## Education

- BA (Bristol) History

## Languages

- French (fluent)

## Recommendations

Allen is recommended in Chambers & Partners Guide as a leading junior in the field of construction.

Comments include:

- a real expert in the field
- really knows his stuff