

Thomas Crangle

Call 2002



Thomas is a highly sought-after junior specialising in disputes involving construction and energy projects. His practice includes conducting trials, arbitrations and interlocutory applications, acting for and representing parties in mediations and carrying out a full range of drafting and advisory work.

He is frequently instructed on larger cases as junior counsel and has considerable experience of working as part of a team with solicitors, other counsel, clients and experts.

He has a wide range of experience in advising on and conducting applications for interim remedies including for freezing injunctions, specific and pre-action disclosure and security for costs.

International arbitration forms a major part of Thomas' work in the areas in which he practices. He has built up a wealth of experience in this field and is familiar with the rules of all of the major international arbitration bodies. He has recently been involved in arbitrations conducted under the ICC, LCIA, SIAC and UNCITRAL rules.

Thomas has a wide-ranging practice in Chambers' core areas with particular focus on:

- Construction & Engineering
- Energy & Utilities
- Professional Negligence
- Technology & Telecoms
- Insurance

Thomas is qualified to undertake Public Access work.

Construction & Engineering

Thomas has extensive experience in a very broad range of construction litigation, arbitration and adjudication matters. He acts on behalf of employers, contractors, sub-contractors and professionals and regularly appears in the Technology

and Construction Court. His expertise in this area has been recognised in Chambers and Partners and Legal 500 in which he is ranked as a leading junior and he is on the TECBAR panel of Adjudicators.

His experience covers the whole spectrum of construction disputes including those with complex technical and quantum issues and he is familiar with the standard forms of contract used within the industry. He has acted for a wide variety of clients ranging from major international companies to residential homeowners and his experience includes handling delay and disruption claims, defects claims and variation claims. His work in this area also includes disputes concerning performance bonds and insurance for construction projects.

Thomas has also acted as counsel (both led and unled) in relation to PFI disputes under construction contracts, project agreements and facilities management contracts concerning schools and hospitals.

Thomas has extensive experience of advising and acting for parties in adjudications as well as dealing with issues concerning the enforcement of adjudication decisions. He also has considerable experience of disputes arising out of major infrastructure projects involving roads, railways, bridges and tunnels.

Featured Construction & Engineering cases

Appearing in the Supreme Court (led by Fiona Sinclair QC) in a landmark case considering the interface between construction adjudication and insolvency (*Bresco Electrical Services Ltd (in liquidation) v Michael J Lonsdale (Electrical) Ltd* [2020] UKSC 25. Thomas appeared successfully unled in both the TCC and the Court of Appeal.

Acting for the contractor in *Balfour Beatty Civil Engineering Ltd v Astec Projects Ltd (in Liquidation)* [2020] EWHC 796 (TCC) in a claim for an injunction to restrain a series of adjudications where the referring party was in liquidation.

Acting for the main contractor in an ICC arbitration in relation to a dispute with a design consultant in connection with a major railway infrastructure project in the Middle East.

Acting for a design consultant in arbitration proceedings concerning a technically complex and high value dispute arising out of the design and construction of an airport terminal in a Middle East state.

Thomas has been involved in a large number of disputes concern fire safety issues around cladding products following the Grenfell Tower Tragedy. His experience in this area includes several disputes involving claims against contractors and professional consultants, as well as a number of cases involving PFI projects where allegations have been made relating to inadequate design and/or construction of passive fire stopping.

Acting for PFI project company in relation to extensive fire stopping defects in a number of schools.

Acting for a facilities management contractor in relation to alleged service failures at a PFI hospital.

Acting for a government department in arbitration proceedings against a designer of M&E works.

Acting as junior counsel for a government department in multi-million pound proceedings concerning a road building contract raising public works procurement issues.

Acting as junior counsel for the employer in a large dispute concerning an infrastructure maintenance contract which proceeded by way of a series of adjudications.

Acting for the employer in TCC proceedings worth approximately £900,000 against a contractor arising out of the construction of a large concrete floor slab at an industrial distribution centre. (*Roundstone Nurseries Limited v Stephenson Holdings Limited*).

Acting as junior counsel for a firm of Norwegian architects in TCC proceedings worth approximately £8m brought by Kent County Council concerning an aborted project to build the Turner Contemporary art gallery in the sea off the Kent coast. The case involved multiple parties and technically complex allegations of professional negligence against architects, structural engineers, project managers and quantity surveyors, as well as allegations of fraud.

Acting for a major utility company in a series of six adjudications with its maintenance contractor. The disputes include allegations of fraud, defective workmanship and the exercise of contractual audit rights.

All Metal Roofing v Kamm Properties: Acting for a roofing contractor in adjudication enforcement proceedings against its sub-contractor in the TCC in which the issue of whether or not the relevant contract was in writing was considered.

Acting for a major international contractor in TCC proceedings concerning whether a bank who had issued a performance bond was required to satisfy a demand under the bond (*AES3C Maritza East 1 EOOD v Credit Agricole*).

Acting for a major UK contractor in a £7m dispute concerning defects at a luxury hotel.

Defending a party successful in adjudication proceedings from a claim by the adjudicator to recover fees on the basis of joint and several liability (*Kitt v Laundry Building Ltd [2014] EWHC 4250 (TCC)*).

Successfully acting as sole counsel for a contractor in a three-week arbitration raising issues concerning the valuation of variations, delay and defects. The dispute involved technical expert evidence in five disciplines and raised a number of previously undecided issues concerning the construction of the JCT 2005 form of contract.

Acting for a manufacturer of insulation products in multi-million pound TCC proceedings concerning the failure of a cladding on a number of high rise residential buildings.

Acting for a contractor in a dispute concerning the construction of a luxury residential property. The dispute involved allegations of repudiatory breach by the employer (*Gotch v Enelco [2015] EWHC 1802 (TCC)*).

Energy & Utilities

Energy and utilities work forms a major part of Thomas' practice and he is recognised as a leading junior in this area in the Legal 500 directory. He has been instructed in a number of cases concerning EPC contracts for the construction of power plants both in the UK and around the world, including energy from waste, gas turbine and lignite-fired plants. His experience in this sector also includes disputes concerning off-shore energy facilities and green technologies as well as disputes involving the construction and operation of oil and gas pipelines.

Featured Energy & Utilities cases

Acting as junior counsel for a contractor in arbitration proceedings concerning a "turnkey" contract for the construction of a gas turbine power station in the UK.

Drafting submissions on behalf of, and advising, a German employer in a series of adjudications concerning the construction and commissioning of an electricity from waste plant.

Acting as sole counsel for a contractor in TCC proceedings worth approximately £1.5m brought by a sub-contractor. The dispute arose out of a contract for the installation of an umbilical below the North Sea to control the operation of a

North Sea platform.

Acting for a manufacturer of power generation equipment in a negligence claim against a mechanical engineer concerning the design of a generator using Organic Rankine Cycle technology to generate electricity.

Acting for Thames Water Utilities Ltd. in defending a claim brought by Kent County Council regarding the collapse of a chalk mine in Kent. The case involved technically complex expert evidence concerning the geological cause of the collapse.

Acting for water companies in numerous claims concerning escapes of water.

Acting for a water company in a multi-million pound dispute with a contractor concerning a tunneling contract for the construction of major ring main.

Acting as junior counsel for the contractor in arbitration proceedings under the UNCITRAL rules worth over €200m concerning the construction of a power station in Eastern Europe.

Acting as junior counsel in a SIAC arbitration concerning delays due to ground conditions in the construction of a coal fired power station in the Far East.

Acting for the main contractor in a \$65m ICC arbitration relating to alleged design and construction defects, delay and the termination of a series of contracts for the design and construction of a bespoke marine vessel for an energy project in Africa.

Acting as sole counsel for a pipework subcontractor in an LCIA arbitration relating to the construction of a power plant in the UK.

Advising a local authority in relation to a dispute concerning the operation of an energy from waste plant in the UK.

Advising a pipework subcontractor in a dispute relating to the construction of a North Sea gas platform.

Professional Negligence

Professional negligence disputes constitute a major part of Thomas' practice. The majority of his experience in this area concerns surveyors and construction professionals including architects, engineers, quantity surveyors and project monitors. His cases regularly involve the interpretation and application of professional guidance and standards including those contained in the RICS Red Book and the Guidance Note for Project Monitors.

Thomas has also been involved in numerous professional negligence disputes involving professionals in other fields including financial services professionals, solicitors, barristers, valuers, and insurance brokers.

Featured Professional Negligence cases

Acting as junior counsel for a firm of Norwegian architects in TCC proceedings worth approximately £8m brought by Kent County Council concerning an aborted project to build the Turner Contemporary art gallery in the sea off the Kent coast. The case involved multiple parties and allegations of fraud against two of the professionals involved, as well as technically complex allegations of professional negligence against architects, structural engineers, project managers and quantity surveyors.

Acting for a major insurer in professional negligence proceedings against one of its brokers which included allegations of fraud and claims that the broker had been “grossing up” premiums in order to make secret commissions.

Acting for a major UK mortgage lender in proceedings against a surveyor concerning the alleged over-valuation of a number of luxury residential properties.

Acting as sole counsel for a lender in a high value dispute against a project monitor concerning a large residential development in the UK.

Acting for a geotechnical engineer in a multi-million pound claim brought by the owner of motorway service stations concerning the design of lime stabilisation works to the car park of one of its service stations.

Acting for the Claimant in a claim against a structural engineer concerning the collapse of a block of flats during the construction of a major residential development. The claim involved allegations that the engineer’s design had included an inadequate lintel and that this had caused the block of flats to collapse.

Acting for an architect in court proceedings brought in relation to allegations that he negligently failed to obtain planning permission for a change in the design of building works.

Defending a surveyor against whom allegations of fraud had been made in respect of residential and commercial mortgage valuations.

Technology & Telecoms

Thomas has been instructed on a wide variety of Technology and Telecoms related disputes. He regularly acts for providers and purchasers of IT systems, software houses, consultants and employers in both the private and public sectors. He also has considerable experience of outsourcing and consultancy agreements and of dealing with both package and bespoke software and systems across a broad spectrum of businesses and industries.

Featured Technology & Telecoms cases

Instructed as junior counsel carrying out a range of drafting work in arbitration proceedings worth approximately £50m concerning a bespoke public transport ticketing system.

Instructed as junior counsel in acting for a leading IT consultant in TCC proceedings concerning a dispute arising out of consultancy agreements.

Acting as junior counsel for the National Policing Improvement Agency in a £5m dispute with QinetiQ concerning a contract for the provision of a portal to allow members of the public to report crime online. The case involved complex expert evidence regarding the performance of the system as well as allegations of misrepresentation and issues of delay.

Acting for the provider of a bespoke e-commerce system in defending a claim brought by a major DIY supplier.

Acting for the purchaser of a bespoke system for managing residential property lettings in proceedings in the TCC. The dispute involved allegations concerning the late delivery of the system and of failure to meet the contractual specification.

Instructed by a major high street bank in defending claims brought by one of its employees raising issues under the Data

Protection Act 1998.

Acting for a major UK mobile telephone network operator in proceedings in the Commercial Court concerning the interpretation of interconnection agreements and whether termination charges were payable in respect of certain SMS text messages.

Acting for a major multinational company in an LCIA arbitration against its outsourcing contractors involving allegations of hacking and the wrongful deletion of data and operating systems.

Acting for a major international telecoms provider in complex court proceedings concerning the provision of a satellite communications link by a subcontractor.

Insurance & Reinsurance

Thomas has been involved in a wide variety of insurance disputes and is regularly instructed by leading insurers to conduct trials and applications on their behalf and in drafting documents and giving advice. His broad experience in this field includes coverage issues, misrepresentation, non-disclosure and fraud and he has been involved in cases concerning various different types of insurance including buildings, property, motor, travel, critical illness, viatical and credit insurance.

Featured Insurance & Reinsurance cases

Acting for a leading UK insurance company in a claim to recover money paid under a motor policy for the repair of a prestige vehicle where it was alleged that the circumstances in which the vehicle had been damaged had been fraudulently misrepresented when the claim was made.

Acting for underwriters in relation to a dispute concerning the sale of viatical insurance policies in the U.S. Part of the dispute involved an application by the underwriters for an anti-suit injunction to restrain court proceedings in Texas for arbitration in London.

Acting for insurers in a dispute with a policyholder over the ownership of insured property that was recovered after the insured had paid the policyholder's claim.

Appointments

- TECBAR accredited adjudicator
- Former Committee Member of the Technology & Construction Bar Association (TECBAR)

Memberships

- TECBAR

Education

- MA (Cantab) Law

Languages

- French (working knowledge)

Recommendations

Thomas is recommended as a leading junior in Chambers & Partners and Legal 500, where comments include:

- A delight to work with, extremely competent, always on hand to assist
- Has an unrelenting work ethic; his written work in particular is superb
- Premier league; a junior of choice for high-value energy disputes
- His mastery of the facts and law is impressive, and he's an old head on young shoulders. He's very proactive and clients like him.
- Incredibly user-friendly and reliable...he has a fantastic recall and attention to detail
- He's excellent on his feet and has a style that gets judges and arbitrators on side
- He frames his arguments in a way that is commercially persuasive
- Takes responsibility for his part of a case, and is excellent with clients