



Toby Randle

Partner

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Toby has specialised solely in construction and civil engineering issues since qualifying as a barrister in 1994. He deals with disputes, contract advice and drafting on all aspects of building and civil engineering projects. His approach is very commercial, focusing upon the elements of a legal problem that have the most significant financial or other commercial importance to his client. Recommended in *Chambers and Partners UK*, Toby “does a stand-up job for his clients” and is “first rate for both domestic work and international arbitration.” The 2017 edition describes him as an “expert in all forms of dispute resolution, including adjudication proceedings.”

He focuses upon finding innovative and cost-effective solutions to the resolution of disputes by the early identification of the central issues and determination of the most effective way to resolve them. Sometimes that involves a conciliatory and collaborative approach to avoid escalating the problem further. On other occasions a more aggressive approach is necessary.

His experience encompasses all forms of dispute resolution including adjudication, arbitration, litigation and mediation. Some of the more innovative processes he has been involved with recently include binding expert determination and early neutral evaluation.

Issues Toby commonly deals with include critical path delay analysis, disruption, prolongation and preliminaries thickening claims, compensation events, head office overheads, repudiation, termination, professional negligence, jurisdiction and enforcement.

Toby carries out regular tender appraisals and reviews, and negotiates amendments to all the principle standard form contracts, appointments, warranties and bonds. Toby has experience of all principal contracts including JCT, ICE, NEC/ECC, IChemE, IMechE, GC/Works and FIDIC, along with a variety of bespoke forms of domestic and international contracts. He has developed a particular expertise in the NEC forms. Toby also advises on dispute resolution procedures for major non-contentious projects, and prepares specific amendments for the various standard forms to suit individual clients’ requirements.

Specialist expertise

Toby is a specialist in dispute resolution and has acted for clients in substantial domestic and international construction and engineering

disputes, including UK and International Chamber of Commerce arbitration, claims in the Technology and Construction Court, adjudication and all forms of alternative dispute resolution.

Examples of Toby's expertise include:

- acting for a major contractor in connection with a final account dispute relating to a water treatment plant. Value of dispute: £12m;
- acting on behalf of a contractor in connection with the £180 million redevelopment of a landmark London hotel. Assisting with final account negotiations and various subcontract disputes and arbitrations;
- day-to-day management of oil and gas ICC arbitration on behalf of a state-owned corporation. Value of dispute £125 million;
- professional negligence claims on behalf of contractors against quantity surveyors, architects and engineers. Value of disputes up to £10 million;
- acting for contractor in final account adjudications and arbitrations relating to high-class residential refurbishment in West London. Value of dispute £4 million;
- drafting and advising upon amendments to bespoke and standard forms of contract to reflect the New Construction Act 2011;
- advising in connection with the termination of the main contract and a series of subcontracts in connection with a residential development in Cornwall. Value of dispute £1 million;
- acting for contractor in connection with the defence of a TCC claim for multiple defects in high-profile London office development. Value of claim £3 million;
- acting for world-leading supplier of construction insulation materials in connection with various product liability claims. Value of disputes £200k to £5 million;
- acting in connection with a subcontract dispute concerning the Olympic Stadium. Value of dispute £500,000.

Other activities

Toby contributed to the Standard Industry Precedents for Butterworths, and is a regular contributor to various construction publications. He also undertakes in-house training for clients on a variety of construction topics.

Toby's memberships/positions include:

- member of the Society of Construction Law;
- member of the Adjudication Society;
- member of the Chartered Institute of Arbitrators.