

## MELISSA SHIPLEY

Year called 2011

[melissa.shingley@39essex.com](mailto:melissa.shingley@39essex.com)



Melissa specialises in construction law, commercial law and international arbitration.

She has extensive international experience, including in South East Asia (having worked on secondment in the Arbitration and Dispute Resolution team of a leading international law firm in Singapore). Her practice is focussed on commercial and construction disputes in a variety of forums, including international arbitration, UK litigation and adjudication.

Melissa is instructed as sole counsel and junior counsel in a wide range of construction, infrastructure and engineering disputes. Her recent cases have ranged from residential building disputes to large-scale PFI disputes, and disputes regarding energy and infrastructure projects (including oil and gas disputes).

Melissa undertakes advisory work for a range of employers and contractors and has experience of the major standard form construction contracts, with particular experience in JCT and FIDIC contracts.

---

## PRACTICE AREAS

- Construction
- International Arbitration
- Commercial
- Planning, Environment & Property

---

## PRACTICE AREAS

### CONSTRUCTION

Examples of Melissa's most notable recent work include:

- Acting for the contractor in a multi-million dollar SIAC arbitration arising out of the rehabilitation, design and construction of a road of national significance in Asia (FIDIC Pink Book). Issues include delay and extensions of time, advance payment, early completion, and the enforcement of Dispute Board decisions.
- Acting as junior counsel for Highways England in the TCC in **Connect Plus (M25) Ltd v Highways England Co Ltd** [2018] EWHC 140 (TCC). This involved the proper interpretation of a £6.2 billion, 30-year PFI contract for the M25 motorway.
- Currently acting as junior counsel for a state-owned petroleum company in an ICC arbitration with an EPC contractor in the Caribbean.
- Acting (as foreign legal consultant) for the employer in a multi-million dollar SIAC construction arbitration involving the construction of commercial premises.
- Advising (as foreign legal consultant) on a complex jurisdictional dispute arising out of the construction of a power plant. The dispute involved parties in multiple jurisdictions, including Asia and the MENA region.
- Acting and advising as sole counsel in adjudications for contractors and employers, including adjudication enforcement hearings in the TCC. Melissa recently represented the claimant as sole counsel in its successful application for summary judgment for over £2 million in **Breyer Group PLC v Adam Michael Scaffolding Services** (2018).
- Advising contractors and employers in international energy disputes. Most recently, Melissa has advised on disputes arising out of the construction of solar power plants in the Middle East and South America.
- Advising contractors and employers in a wide variety of construction disputes, including: claims for defects; delay and extension of time claims; claims relating to the validity of payment and pay less notices under the Housing Grants, Construction and Regeneration Act 1996; and matters arising out the Party Wall Act.

Melissa is also a regular contributor to the Practical Law Construction and Dispute Resolution Blogs.

## INTERNATIONAL ARBITRATION

International arbitration constitutes a significant proportion of Melissa's practice. Her focus is on international arbitrations arising out of construction and infrastructure disputes.

Examples of notable recent work include:

- Currently acting as junior counsel for a state-owned petroleum company in an ICC arbitration with an EPC Contractor in the Caribbean.
- Acting for the contractor in a multi-million dollar SIAC arbitration arising out of the rehabilitation, design and construction of a road of national significance in Asia (FIDIC Pink Book). Issues include delay and extensions of time, advance payment, early completion, and the enforcement of Dispute Board decisions.

- Acting (as foreign legal consultant) for the employer in a multi-million dollar SIAC construction arbitration. Issues included: delay; extensions of time and liquidated damages; alleged defective workmanship; and suspension and termination.

## COMMERCIAL

Melissa has a broad commercial practice, with a particular emphasis on banking and financial services.

Examples of Melissa's recent work include:

- Acting, as junior counsel, in a £23 million action under the Financial Services and Markets Act, arising from regulatory charges brought by the Financial Conduct Authority. Melissa represented the Managing Director of the main operating subsidiary
- Being instructed as part of a team acting as a s166 skilled person, appointed by the Financial Conduct Authority, reviewing consequential loss claims following the mis-sale of Interest Rate Hedging Products by a major high street bank.
- Acting, as sole counsel, for the Financial Ombudsman Service to successfully strike out a claim brought against it for damages.
- Successfully representing the claimant in a partnership dispute.

## PLANNING, ENVIRONMENT & PROPERTY

Whilst on a four month secondment to a local authority, Melissa advised on a variety of planning and public law matters. At Chambers, her other recent experience includes:

- Advising a local planning authority ahead of a five-day planning inquiry.
- Advising on a range of planning issues, including: service of Enforcement Notices; Certificates of Lawfulness; developments within COMAH zones; the planning impact of s14 Education Act 1996; and the merits of potential judicial reviews of planning decisions.
- Acting in a range of enforcement matters, including enforcement inquiries.
- Assisting in two planning inquiries for large-scale residential housing schemes, including by advising on the legality of Grampian conditions that will be discharged through financial contributions.

---

## MEMBERSHIPS

- Society of Construction Law
- TECBAR
- Middle Temple

BARRISTERS · ARBITRATORS · MEDIATORS

---

## QUALIFICATIONS

- 2011: BPTC, Manchester Metropolitan University, Outstanding (ranked 1st in the year).
- 2010: GDL, BPP Manchester, Distinction (ranked 2nd nationally, out of approximately 1500 students).
- 2009: BA Hons History, Pembroke College, Cambridge, First.

## SCHOLARSHIPS & PRIZES

- 2011: Certificate of Honour, Middle Temple.
- 2011: Four awards from Manchester Metropolitan University for the best performance in the subject area (Business Law, Civil Litigation, Resolution of Disputes out of Court and Criminal Litigation).
- 2011: Carter Moore Essay Prize, 'The Expansion of Personal Injury Law: A Pyrrhic Victory?'
- 2010-11: Queen Mother Scholarship, Middle Temple.
- 2009-10: Cohen Scholarship, BPP Manchester.
- 2009: Foundress Prize and Foundation Scholar, Pembroke College, Cambridge

---

## ADDITIONAL INFORMATION

### **Publications:**

*I (or is it you?) don't like Mondays: Moylett v Geldof* (Practical Law Dispute Resolution Blog) May 2018

*Sutton v Rydon, a Triumph of Common Sense* (Practical Law Construction Blog) June 2017

*We are not enemies of the people* (Practical Law Dispute Resolution Blog) May 2017

*Practical points on forum non conveniens in Deutsche Bank AG v CIMB Bank Berhad* (Practical Law Dispute Resolution Blog) February 2017

*Negligence, deliberate concealment and unlawful means conspiracy: three lessons from Adams v Atlas International Property Services* (Practical Law Dispute Resolution Blog) December 2016

*No power to pay, no money to pay* (Solicitors Journal) October 2016

### **Cases:**

**Connect Plus (M25) Ltd v Highways England Co Ltd** [2018] EWHC 140 (TCC)

BARRISTERS · ARBITRATORS · MEDIATORS

**Breyer Group PLC v Adam Michael Scaffolding Services (2018)**

---

**LONDON**

81 Chancery Lane,  
London  
WC2A 1DD  
Tel: +44 (0)20 7832 1111  
DX: London/Chancery Lane 298  
Fax: +44 (0)20 7353 3978

**MANCHESTER**

82 King Street,  
Manchester  
M2 4WQ  
Tel: +44 (0)16 1870 0333  
Fax: +44 (0)20 7353 3978

**SINGAPORE**

Maxwell Chambers,  
32 Maxwell Road,  
#02-16,  
Singapore 069115  
Tel: +(65) 6634 1336

**KUALA LUMPUR**

#02-9, Bangunan Sulaiman,  
Jalan Sultan Hishamuddin,  
50000 Kuala Lumpur,  
Malaysia  
Tel: +(60)32 271 1085

---

BARRISTERS · ARBITRATORS · MEDIATORS

---