



Gemma Essex

Senior Associate

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Gemma has acted in energy, construction and engineering disputes, advising clients including employers, contractors and subcontractors, on issues arising from the design and construction of infrastructure projects. Gemma has considerable PFI/PPP disputes experience and has undertaken two periods of secondment to provide advice and assistance to private sector partners. She has a broad base of experience in dispute avoidance and resolution in the energy, waste and health infrastructure sectors.

Gemma has experience of the major standard forms of contract typically used in the projects she has been involved with, including SoPC4 and IChemE Red Book, as well as bespoke contracts used for construction and engineering projects in the energy and waste sector.

Specialist expertise

Gemma specialises in dispute avoidance and resolution, taking a pragmatic and commercial approach. She has experience of both arbitration and adjudication, including multi party adjudication hearings. Gemma has advised on disputes arising from the application and enforcement of deductions and service points under contractual payment mechanisms. Gemma also has experience of advising clients in proceedings before the Technology and Construction Court (TCC) and in mediation.

Examples of Gemma's expertise include:

- advising on EPC contractor on a number of potential disputes ranging from design defects to payment provisions, as part of an Energy from Waste PFI Project;
 - advising on O&M contractor on settlement agreements and Deeds of Variations in respect of complex construction and operation arrangements to reflect revised terms resulting from negotiated settlements;
 - acting for the SPV in arbitral proceedings in relation to termination of an EPC contractor in respect of a Biogas plant procured under an amended IChemE Red Book form of contract;
 - advising on a multi-million pound PFI project for a national waste disposal company, through multiple adjudications and ultimate settlement;
 - advising the operator in relation to a broad range of claims from the recoverability of increased operating costs, to a potential nuisance claim in respect of a thermal power station;
- advising a Facilities Management company in respect of recoverability

of losses arising out of defects in a PFI procured hospital.

Secondment:

Gemma has undertaken two periods of secondment to the in-house legal team of a FTSE 250 utility company, advising on a broad range of legal and commercial issues in respect of a variety of complex and high value issues; and separately advising an international waste management company in respect of both ongoing contentious and non-contentious.