



Sam Thyne

Senior Associate

sthyne@fenwickelliott.com

Sam is a construction disputes lawyer with a focus on international construction disputes and project advice. Sam has experience advising contractors, government agencies, developers, subcontractors and consultants on a wide range of contentious construction issues.

Sam's international experience includes helping clients to resolve issues throughout the full life cycle of a construction project, ranging from in-project advice and claims support, through to formal dispute resolution (in particular FIDIC Dispute Adjudication Board proceedings and international arbitration).

Sam also has experience in project advice and dispute resolution in the United Kingdom including adjudication under the Housing Grants, Construction and Regeneration Act 1996.

Prior to moving to the United Kingdom from New Zealand, Sam worked in the largest dedicated major projects and construction law team in the country, assisting New Zealand contractors, subcontractors, and employers in both contentious and non-contentious matters.

Sam is dual-qualified in England & Wales and New Zealand.

Specialist Expertise

Examples of Sam's expertise include:

- advising a Western Balkan government agency in relation to an ICC arbitration based on an amended FIDIC Pink Book;
- advising a Western Balkan government agency in relation to a dispute under an amended FIDIC Yellow Book;
- providing ongoing project assistance to a contractor in relation to issues arising from the closure of the Strait of Hormuz in respect of several EPC contracts based on bespoke terms;
- providing project advice for an EPC project in southern Africa concerning foreign currency claims;
- providing end-of-project advice to a contractor concerning a wind farm in Pakistan dealing with disputes arising under an EPC contract;
- advising a major international contractor in extension of time and payment disputes relating to hydroelectric dams in Africa, based on an amended FIDIC Contract for EPC/Turnkey Projects Works, 1999 (the Silver Book);

- assisting a contractor in respect of an ICC arbitration for claims in relation to a motorway project based on an amended FIDIC Contract for building and engineering works designed by the Employer, 1999 (the Red Book);
- assisting a Qatari contractor in relation to a payment dispute under a modified 1999 FIDIC Red Book;
- assisting a Ukrainian employer in a payment dispute with a contractor under a modified 2017 FIDIC Silver Book;
- assisting a Ukrainian employer navigate issues arising out of force majeure events under a modified 2017 FIDIC Silver Book;
- assisting an international contractor on an extension of time and payment dispute for a large infrastructure project under an amended FIDIC Pink Book;
- assisting an international contractor navigate issues arising out of a dispute in the former Islamic Republic of Afghanistan;
- assisting multiple international contractors demonstrate contractual entitlements in the COVID-19 epidemic, including advising on EPC contracts for major infrastructure projects in the UAE, Bahrain and Singapore;
- assisting an international contractor operating in the United Arab Emirates establish contractual entitlements to payment under a bespoke EPC agreement for an infrastructure project, and develop a strategy for recovery;
- advising a United Kingdom-based employer in respect of issues arising from several construction projects using both FIDIC and JCT contracts. Issues included termination, insolvency and defective works;
- assisting various United Kingdom-based employers and contractors, and subcontractors in a variety of contentious issues through both in-project advice, general disputes advice, and in adjudications under the Housing Grants, Construction and Regeneration Act 1996;
- assisting New Zealand contractors, subcontractors and employers in all manner of construction disputes in both adjudication and litigation. Construction dispute experience includes dealing with issues such as defective building works, extension of time claims, variation claims, professional negligence, termination and insolvency; and
- assisting New Zealand contractors, subcontractors and employers draft and negotiate construction contracts for EPC turnkey projects, as well as commercial and residential premises.

Sam's memberships/positions include:

- member of the Society of Construction Law;
- member of the Technology and Construction Solicitors' Association; and
- co-editor of *International Quarterly*, Fenwick Elliott's regular publication for the international construction market.