

James Davison

Year of Call: 1996

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Commercial

James Davison specialises in contract and commercial disputes, with a particular expertise with large construction and engineering matters and the commercial arrangements that fund and support them. He has gained from more than 10 years experience working in-house in the construction and engineering sector, working for two of the leading construction consultancy companies in the UK.

As experienced counsel he seeks to match a robustly commercial approach with the rigorous demands of document-heavy commercial and construction disputes.

James' guide to the JCT's 2005 Standard Form Construction Contracts was published by the RICS.

He led the team that advised the Treasury's Office for Government Commerce on how JCT 2005, NEC3 and PPC 2000 standard form contracts measured against the Government's Achieving Excellence in Construction Agenda.

James' experience as company secretary of one of the UK's foremost renewable energy businesses gave him experience of working for an innovative, entrepreneurial company that operated in a highly regulated market. He has worked on construction projects in the Netherlands, Denmark, Malta, and the USA as well as numerous high profile UK projects.

James has practical experience of managing contentious matters through adjudication and mediation and advising upon the conduct of regulated procurement. He still advises on non-contentious/drafting matters.

James is an accredited mediator.

Energy & Utilities

James is regularly instructed by a number of utility (gas and electricity) companies in their actions involving commercial customers (unpaid debts) particularly including instances where injunctive relief is sought by debtors at short notice.

Prior to practising at the Bar, James gained practical first-hand experience as an in-house lawyer and company secretary of one of the UK's foremost renewable energy businesses (the Fibrowatt Group) which at the time operated three power stations and was developing several projects in the EU and USA.

He subsequently worked for two leading project management and engineering consultancies (Cyril Sweett and Arup). During his time in-house he:

- Advised the boards of directors on the legal and regulatory considerations of several companies operating electricity generating power stations
- Negotiated and drafted wholesale electricity supply contracts with several utilities (including negotiation of commercial heads of terms, prices and pricing structures)

- Took part in lobbying and consultation in respect of the impact of legislative change on small and renewable electricity generators during a period of major regulatory transition
- Drafted submissions in the first (and successful) rounds of applications to OFGEM for certification of ROCs and CCL Certificates
- Advised on transactions with the electricity markets in Europe (i.e. “export” of electricity through the interconnector of certified renewable energy)
- Advised potential purchasers of electrical infrastructure as to impact of procurement regulation

Building on that experience, his recent instructions as counsel include:

- Advising residents as to how to bring about the transfer of a local CHP plant to their ownership or control despite ongoing resistance from the property developer. This ultimately involved issuing injunctive proceedings
- Advising a sub-contractor on a multiparty dispute concerning numerous aspects of the construction of a large power station in the UK with respect to claims and cross claims for and against the Sub-Sub Contractor and similarly with respect to the Main Contractor

Academic qualifications

- LLB (Hons), Wales
- MSc King's College, Construction & Arbitration

Professional qualifications & appointments

- Tecbar Accredited Adjudicator and Member of the Tecbar Adjudication Panel
- Accredited Mediator (London School of Psychotherapy and Counselling)

Professional bodies

- Chair of the King's College Construction Law Association (2020 to date)
- Member of the TECBAR Committee
- Member of Society for Construction Law
- Member of the Editorial Board for RICS “ISurv” service
- Member of Energy Arbitration Club