

# Our services to the Public Sector

RM3788 Wider Public Sector Legal Services  
(Lot 2b: Full Service - Scotland)

Version 2 – August 2019



**ARTHUR COX**

WALKER  
MORRIS

**WM**

# How to access our services

## Get in touch with our relationship team – your concierges to our services

We have established a core relationship team, all of whom work extensively for public sector bodies. They are your service concierges and will connect you to the team you need.

### Relationship partners



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We have advised on **1197** matters in total. Almost **900** for Central Government



**270+**  
Other fee earners who regularly work on Government matters




Over **50%** of our partners have worked on Government matters



Government Academy training sessions running regularly

UK team has advised Governments globally **40+**



 former public servants in the team

 6 new partners with focus on Government work

# About Dentons

## Dentons – reinventing the practice of law

### Our global commitment to public sector services

We have a global commitment to and understanding of public sector business. This is in our DNA; it affects who we hire, how we train our people and the services we offer. We target work for public sectors, worldwide. Our UK team has advised over 40 governments and hundreds of public authorities outside the UK and has long been known for its work for HM Government – half of our UK partners have worked on HMG business. Our public sector team, across all our legal disciplines, is trained in how to work with public sector bodies through our Government Academy so it hits the ground running, with real understanding of how the public sector works and how to get business done. We welcome recruits from public sector legal teams.

### Our offering

Our offering is simple. **No job is too small and none too large**; we want to support you in development and implementation of policy, and in the commercial and public law arenas, across the board. We expect to do excellent work and be accountable for doing so. Our teams have handled the largest procurements of construction, operation and maintenance of nationally important energy transport and other infrastructure and IT systems but also work on portfolios of the smallest, standardised real estate, commercial and litigation work. We set up, buy, sell, restructure, outsource (including through PPP) and finance businesses and assets, navigate insolvencies and resolve disputes pragmatically and efficiently. Commercial contracts and sectoral regulation, right across the economy, are our stock in trade. Dentons is delighted also to have been appointed to Lot 2b of the RM3788 Wider Public Sector Legal Services for full service provision in Scotland.

We have been advising national institutions since

**1811**



Central Government has consistently been a top **5** client for our UK business over the last **20** years.



We have acted for **72** public sector bodies including **30** from Central Government

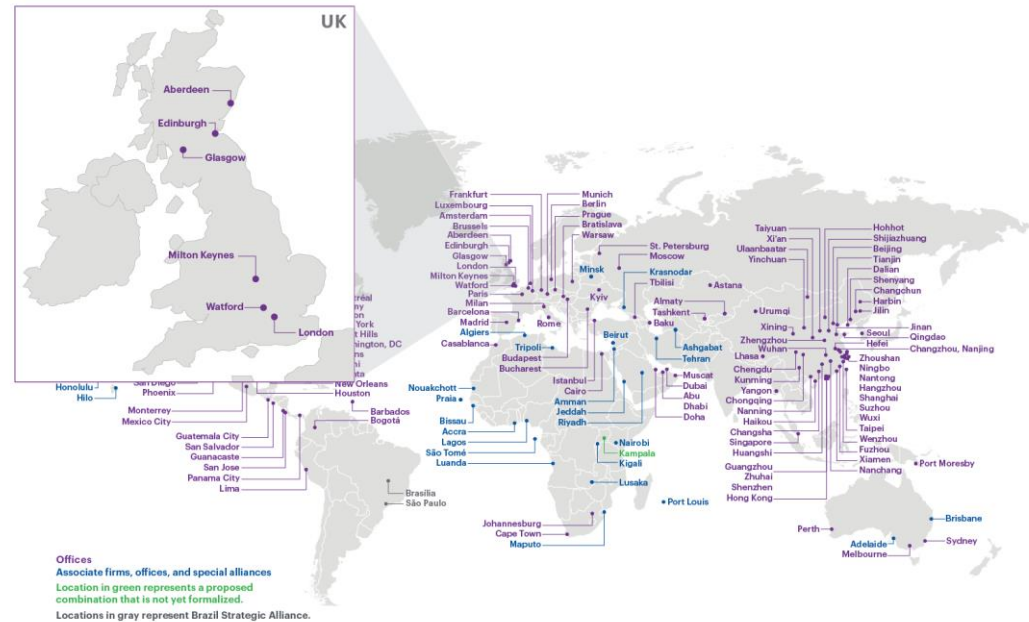
We combine the heritage of 250+ years' practice in the UK with the commitment to change of a challenger brand, seeking to reinvent the practice of law. Our geographic reach and cultural approach mean we can bring to bear, for the benefit of our public sector clients, lessons learned from our work for other public sector bodies around the world, many of which face similar challenges. We can also offer practical support – from meeting rooms, secretarial support and local language skills to deep local law expertise, globally. We have founded the world's broadest and deepest law firm referral network and so can support the selection of counsel in 173 jurisdictions, worldwide

# Dentons - in numbers

Dentons and leading Scottish firm Maclay Murray & Spens merged in October 2017. Our combined firm now has approximately 200 partners and 800 lawyers in the UK, including the following numbers in the required specialisms:

Administrative and Public Law	160+	👤👤👤
Banking and Finance	175+	👤👤👤
Contracts	450+	👤👤👤
Competition Law	30+	👤👤👤
Corporate and M&A	125+	👤👤👤
Data Protection and Information Law	70+	👤👤👤
Employment	40+	👤👤👤
Information Technology	55+	👤👤👤
Infrastructure	145+	👤👤👤
Intellectual Property	55+	👤👤👤
Litigation and Dispute Resolution	375+	👤👤👤
Outsourcing /Insourcing	105+	👤👤👤
Partnerships	20+	👤👤👤
Pensions	15+	👤👤👤
Public Procurement	55+	👤👤👤
Property, Real Estate and Construction	230+	👤👤👤
Tax	15+	👤👤👤
EU Law	60+	👤👤👤
Planning	55+	👤👤👤
Projects	145+	👤👤👤
Restructuring and Insolvency	65+	👤👤👤
Education Law	25+	👤👤👤
Energy and National Resources	115+	👤👤👤
Food, Rural and Environmental Affairs	20+	👤👤👤
Franchise Law	10+	👤👤👤
Health and Healthcare	40+	👤👤👤
Life Sciences	10+	👤👤👤
Telecommunications	8	👤👤👤
International Trade, Investment & Regulation	5	👤👤👤
Public International Law	5	👤👤👤
Charities Law	10+	👤👤👤
Health & Safety Law	8	👤👤👤
Transport Law (excluding rail)	15+	👤👤👤

**Dentons is the world's largest law firm by headcount; we have approximately 8,800 lawyers and professionals in 160+ offices in 67 countries.**



# Click to see our expertise in your required specialisms

We have substantial resource in each of the mandatory legal specialisms covered by the panel and have outlined our expertise in each area: **click through for more information**

- [Administrative and Public Law](#)
- [Banking and Finance](#)
- [Contracts](#)
- [Competition Law](#)
- [Corporate and M&A](#)
- [Data Protection and Information Law](#)
- [Employment](#)
- [Information Technology](#)
- [Infrastructure](#)
- [Intellectual Property](#)
- [Litigation and Dispute Resolution](#)
- [Outsourcing/Insourcing](#)
- [Partnerships](#)
- [Pensions](#)
- [Public Procurement](#)
- [Property, Real Estate & Construction](#)
- [Tax](#)

In addition we can support you in all the following optional legal specialisms: **click through for further information**

- [EU Law](#)
- [Planning](#)
- [Projects](#)
- [Restructuring and Insolvency](#)
- [Education Law](#)
- [Energy and Natural Resources](#)
- [Food, Rural and Environmental Affairs](#)
- [Franchise Law](#)
- [Health and Healthcare](#)
- [Life Sciences](#)
- [Telecommunications](#)
- [International Trade, Investment and Regulation](#)
- [Public International Law](#)
- [Charities Law](#)
- [Health & Safety Law](#)
- [Transport \(excluding rail\)](#)

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## Administrative and Public Law

**Service overview:** We have extensive experience of advising local government on domestic and EU public law, including: vires/powers; equalities matters; statutory interpretation; misfeasance claims; negligence/breach of statutory duty; parliamentary investigations, commissions and enquiries; human rights law; judicial review; competition; procurement; and public law duties in relation to the exercise of decision-making discretion. We have advised on many statutory transfer schemes and on the powers of devolved assemblies. We frequently advise on public law/regulation in energy, transport, information/data law, technology, IP, environment, infrastructure and planning, often on highly politically sensitive matters. We bring industry knowledge to bear on our local government work and understand the political and policy dimensions in which our clients operate. We advise on professional disciplinary procedures.

**Case spotlight:** We advised Ofwat on the expansion of competition in the water and sewerage retail markets. We also advised Ofgem and DECC on reforms in the electricity market including offshore transmission, transmission access, feed in tariffs and electricity market reform.

## Banking and Finance

**Service overview:** With one of the largest banking practices in the UK, we are trusted legal adviser to many of the world's banks and financial institutions. Our UK practice is part of our global finance practice and is represented in all the major financial centres of the world. We advise lenders, borrowers and public bodies. Our practice spans all service lines, including: general corporate lending; acquisition and leveraged finance; aviation finance; asset finance; debt capital markets; derivatives; government and related guarantees; export credit financing; financial services regulation, investigations and litigation; fund finance/lending to funds; investment funds; Islamic finance; project finance (NPD/PPP/PFI); real estate finance; reserve based lending; restructuring/workouts; structured finance/securitisation; shipping finance; syndicated/ global lending; and trade and commodity finance. Our strong focus in the emerging markets means we have much experience working with DFIs and government agencies in export credit, often alongside commercial financing, to secure investment in particular sectors or technologies.

**Case spotlight:** We advised on various high-profile matters regarding financing provided to Wheatley Housing Group, Scotland's largest registered social landlord. We advised RBS, Lloyds and Nationwide on a facility restatement which also involved RBS and Lloyds providing additional facilities of £40m. At the same time, we acted for the European Investment Bank in a restatement exercise around the £185m facilities it provides to Wheatley. In a separate transaction, we advised the above lenders and EIB on a diligence exercise regarding Wheatley's £3.7bn JV with Glasgow City Council's maintenance and repairs business, City Building.

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## Contracts

**Service overview:** We work on all types of commercial contracts, from the most specialised to the most commonplace, including: agency, distribution, licences; alliancing; commodity trading; confidentiality and NDAs; construction and FEED; consumer credit; contracts for difference; data processing; debt factoring; energy supply and services; facilities management; finance of every type; franchising; grants; guarantees, indemnity/warranty; intellectual property; IT and telecoms; joint ventures and partnerships; leases, wayleaves and servitudes; loans, mortgages and charges; manufacturing; operation and maintenance; outsourcing/contracting out services; projects (NPD/PPP/PFI) and concessions; shared services; sale/supply of goods; security; sponsorship and advertising; and supply of services. Our work includes procurement, drafting and negotiating, advising on interpretation (including advice on rights/obligations), portfolio and individual contract management and restructuring, disputes, terminations and exits, assignment/transfer /novation/change of supplier/change of control, change in law and regulatory approvals. We have a substantial practice in the regulated economy so often advise on contracts in the context of industry and EU regulation.

**Case spotlight:** We advised Network Rail on establishment of the ScotRail Alliance between NR and Abellio, the first establishment of an alliance during a live rail franchise procurement. We advised on the negotiation and conclusion of alliance agreements with all franchise bidders in a highly compressed timescale.

## Competition law

**Service overview:** We advise on all aspects of international, EU and domestic competition law. Our experience includes: **Competition law advice** (helping clients navigate a path that combines competition law compliance with achieving their key business aims and advising on competition law disputes); **State Aid** (obtaining state aid clearances from the Commission, advising on state aid for privatisations and the disposal of state-owned assets, advising on state aid block exemptions, SGEI, de minimis and other matters); **abuse of dominance** (supporting market-leading organisations on how to avoid accusations of abusing dominance, or how to respond to complaints or investigations); **cartels** (advising on cartel-related issues, including bringing claims against clients impacted by cartels); and **merger control** (including spotting potential issues during procurements or privatisations and giving timely advice on the impact on projects).

**Case spotlight:** Advised various public authorities with managing authority responsibilities in relation to the audit of EU-funded EDRF projects; the audit outcome resulted in irregularities which had a potential cost to the UK of circa £100m. Advised a number of Member States (including in England and Wales, Scotland and Northern Ireland) on implementation of EU single market energy directives. Advising a number of claimants in relation to a cartel damages claim against MasterCard and Visa, working on litigation funding agreements, inter-claimant agreements, providing advice on jurisdiction, applicable law and limitation, issuing claim in the Chancery Division of the High Court.

### Key people

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## Corporate and M&A

**Service overview:** We have a substantial corporate practice which advises on all public and private company matters, including: company law; corporate finance; joint ventures; mergers & acquisitions, public and private; private equity venture capital; risk management; insolvency and restructuring; operating and partnership agreements; and statutory transfer schemes. Advice extends to directors duties, capital raising/investment, corporate governance and compliance, securities, share acquisition/disposal and capitalisation; innovative legal structures and covers domestic and cross border transactions. Many of our structuring projects are first in country or region and of international significance. We also provide company secretarial and company reporting services.

**Case spotlight:** We advised Aberdeen Asset Management on its £11bn recommended all share merger with Standard Life plc, the UK's largest corporate transaction in 2017. The transaction was implemented via a scheme of arrangement in the Scottish Courts (the Scheme). We worked on the Rule 2.7 announcement which commenced the merger process, the circular to AAM shareholders seeking their consent to the Scheme, the complex Court process in relation to the Scheme and negotiating the Court Reporter's report in relation to the Scheme. In addition, we also advised on complex change of control issues in relation to AAM's key commercial relationships.

## Data Protection and Information Law

**Service overview:** We have one of the largest Data Protection and Information Law teams in the world. We are well known thought leaders and "plugged in" to the privacy and cyber security community including lawmakers, lobbyists, controllers, processors and industry groups. We provide a full service on information law and data protection law practice including: information and data protection governance including General Data Protection Regulation (GDPR) and Law Enforcement Directive governance frameworks; risk analysis of rules on device-based data (e.g. cookies) and direct marketing including under the draft e-Privacy Regulation; global solutions for domestic, EU and other data protection law compliance; freedom of information EIR requests and governance; cyber risk and breach notification; global data transfer solutions (model contracts; Privacy Shield and Binding Corporate Rules (BCRs)); privacy impact assessments and risk management; HR data handling and vendor control; litigation and e-Discovery; and public authority data sharing agreements.

**Case spotlight:** Advising Highlands and Islands Enterprise upon a complex data subject access request involving the assessment of 15,000+ documents relating to an ongoing dispute. Also advising Private and Commercial Finance Group plc (a challenger bank) on their customer journeys including data protection compliance and the implementation of data security systems.

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## Employment

**Service overview:** Our employment team has particular experience in undertaking large-scale restructures and reorganisations, outsourcing projects and defending complex court and tribunal litigation. We routinely advise corporates, government departments and agencies, banks and multinationals on a broad range of both routine and high-risk and sensitive employment and HR issues. We advise on board-specific matters like governance, the terms of appointment of executive and non-executive directors, and executive severance arrangements. Settlement agreements are a staple diet for our lawyers and we are well versed in all aspects of such negotiations. We also have extensive expertise in advising on TUPE and employee transfer issues in the course of acquisitions and disposals, insourcing and outsourcing projects and service provision changes. The team is experienced in dealing with industrial relations issues, advising on trade union negotiations, collective bargaining and industrial action. We also routinely represent employers in trade union backed litigation. We often provide significant input to major transactions and procurements for local government clients.

**Case spotlight:** Advising a number of local authorities in relation to mass Equal Pay litigation arising out of collective agreements with Trades Unions and the subsequent job evaluation schemes. Also acting on behalf of University College Union in the Supreme Court in its action against a university concerning the dismissal of fixed term academic staff and whether collective consultation should have taken place and consequently protective awards made for the failure to consult over the dismissal of such staff.

## Information Technology

**Service overview:** Our team has handled over 75 significant pure technology projects over the last two years alone with an aggregate value of almost £30 billion. Since 2000, we have worked with various public bodies on significant IT projects. Through our experience in advising a wide range of participants in the technology ecosystem, from emerging growth software and IT companies to multinational technology suppliers, we deliver creative solutions that stand out, help achieve strategic objectives and minimise risk. We advise on all aspects of IT law, including: technology and telecoms procurements; structuring, negotiation, development, drafting and implementation of contracts and licensing arrangements; collaborations, joint ventures and M&A; privacy policies and terms of use; e-commerce/internet for online sales; outsourcing; exit and migration/transition; data centres; email marketing campaigns and outsourcing; website development and hosting; convergent technologies; and cloud computing.

**Case spotlight:** Advising HM Treasury on a complex mission-critical programme to put in place a new operating model for the provision of IT services including networks, development, end-user computing and hosting applications, transitioning to a multi-sourcing environment. It was the first major implementation by HM Government of the tower / disaggregated tower model. We designed the contracts and collaboration processes to facilitate a multi-phased approach, advised throughout and continued to provide support through transition.

### Key people



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## Infrastructure

**Service overview:** Our projects/PFI/PPP/NPD practice is one of the largest and most experienced of any international law firm, combining deep and current legal expertise with sophisticated marketplace knowledge and industry expertise. We regularly act for public sector bodies in all infrastructure sectors worldwide including: airports, bridges, defence, education, energy (including energy efficiency), health, housing, information technology, ports, prisons, public buildings, rail, roads, tunnels, wastewater, waste and water. We support public sector clients in designing procurement schemes, for use on single or multiple projects, in procuring individual projects, managing contracts once awarded and in dispute resolution and litigation when things go wrong. We have worked at the forefront of the development and deployment of all of the principal types of contract model for private sector participation, around the world – concessions, DBFO, BOO, BOT/BOOT, franchises, management contracts and frequently advise on the relative merits of each.

**Case spotlight:** Advised the University College Hospital London PFI project on the removal of soft services from the original Project Agreement at the Trust's request. Based on our experience on UCLH we undertook a similar exercise at Edinburgh Royal Infirmary to remove certain soft services from the project scope. We have advised on all the Scottish NPD projects and on the delivery of multiple DBFM education and community healthcare projects through the Scottish hub initiative, including Stirling Care Village, Inverurie and Forresterhill Health Centres,, Barrhead High School and Forfar Community High School. We represented the Project Company in a series of 8 adjudications arising out of the construction of a new wing at St George's Hospital in London. Separately, we have been advising various Project Companies on a number of mental healthcare facilities across the UK in relation to claims arising out of patient damage.

## Intellectual Property

**Service overview:** Part of one of the largest IP teams in the world, with 600 lawyers, we work on a wide range of IP services worldwide. We cover all areas of IP, including all types of IP disputes, advisory work and transactional work (with a particular focus on cross-border IP licensing and complex IP acquisitions or securitisations), including: advertising; commercial agreements; communications; copyright; data protection; defamation and reputation management; designs; IP litigation; IP and the internet; IP contracts, assignment and licensing; patent litigation; patent prosecution; post-grant proceedings; strategic IP planning; trademarks; and unfair competition. We also have patent trademark designs prosecution teams which provide clients with an in-depth understanding of IP issues, particularly in view of the focus on technology in the industrial strategy.

**Case spotlight:** We advised DECC on its carbon storage project, ensuring appropriate knowledge transfer was achieved and that industry was able to obtain licences to any inventions on FRAND (fair and reasonable non-discriminatory terms). We devised innovative approaches which we helped DECC negotiate and agree with industry. We also advised Edinburgh Woollen Mill on their acquisition and commercialisation of their Jane Norman, Peacocks, Internacionale, Rosebys and Austin Reid brands.

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## Litigation and Dispute Resolution

**Service overview:** We provide proactive, cost-effective and strategic advice on disputes to advise on measures to reduce the risk of disputes and, where possible, mitigate loss. If, nevertheless, a dispute still arises, we work closely with our clients to identify the potential outcome of any litigation (should it become unavoidable) and, if desirable, press claims or avoid disputes if that is the better course. If proceedings are inevitable, we will help you opt for the best means of resolution. Our experience includes arbitration, mediation, expert determination and other forms of alternative dispute resolution, such as bespoke dispute boards. We can also help you to put cases back on track when all is not going to plan. We are assertive in our methods, but we understand that each case is unique and requires its own approach.

**Case spotlight:** We acted for the pursuer in a challenge to the award of the £250 million contract for the Northern Isles ferry service to Serco (in which there are three reported decisions - see *Shetland Line (1984) Limited v The Scottish Ministers*). We also advised Scottish Enterprise in relation to the Court of Session action between Glasgow Science Centre and Carillion Construction arising out of defects at the landmark Glasgow Science Centre revolving tower.

## Outsourcing / Insourcing

**Service overview:** Our outsourcing practice is a leader in its field, and our lawyers have been at the forefront of sourcing and technology transactions for decades. Our team specialises in large-scale, strategic sourcing and outsourcing projects and contracts and has advised on many of the first-of-their-kind sourcing deals across a range of industry sectors. We are particularly known for our work advising public bodies on many complex outsourcings over the last 15 years. Our team is closely integrated with regulatory specialists in our key industry areas, providing us with a key differentiator from our niche competitors.

**Case spotlight:** We advised on the 10 year strategic partnership to deliver buildings maintenance and trunk roads maintenance services to North Lanarkshire Council. The project (the first of its kind in Scotland) involved Council investment in the joint venture delivery vehicle, transfer of assets and staff, and performance based services contracts. We also advised Edinburgh Airport and London Luton Airport upon the agreements for their respective appointment of their air traffic control service provider.

### Key people



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## Partnerships

**Service overview:** We regularly advise on the full range of partnership law, including: formation; partnership agreements/deeds; fund raising; partnership management; corporate governance; appointing/removing; regulatory; investments by partnerships (including co-investments); risk management; litigation / disputes; insolvency; restructuring; and sale of partnership interests. That advice covers the following in relation to all types of partnerships (including general partnerships, limited liability partnerships, limited partnership, Scottish partnerships, and overseas partnerships, including those incorporated in Luxembourg and the Channel Islands) and related contracts. We also advise on long-term partnering and alliancing agreements in the NPD/PPP/PFI and outsourcing markets.

**Case spotlight:** Advised a global fund manager on 20+ investments into a variety of private equity, real estate, infrastructure and debt funds (all of which were structured as limited partnerships in numerous different jurisdictions). We also advised infrastructure fund manager, Dalmore Capital, on its mandate with the UK's Pension Infrastructure Platform, and the associated limited partnership documentation and negotiations with pension funds involved and we provided advice relating to the Aberdeen Airport Fund, a Jersey Unit Trust and UK Limited Partnership (circa £200 million of assets under management) on regulatory compliance, sale of jointly held assets and structuring.

## Pensions

**Service overview:** Our UK pensions team deals with complex and high-profile pensions issues for central and local government, pension scheme trustees, employers, financial institutions, insolvency practitioners and outsourcing providers. We advise on outsourcing issues, pension scheme funding issues, scheme amendments, disputes, contracts (for scheme advisers and administrators), governance and data protection issues. We have handled pensions disputes from Ombudsman through to the Supreme Court. We have extensive experience of the New Fair Deal and an effective understanding of the options available to public bodies under the current public sector pensions legislation.

**Case spotlight:** We advised Falkirk, Norfolk, Lothian and South Yorkshire LGPS Authorities on pension funded housing, infrastructure and pooling structures. We also advised the Railways Pension Scheme on a complex restructuring of its £21bn unitised pooled fund structure including establishment of several new CIVs and the merger of existing pooled funds. We advised on pensions law and trustee duties, governance arrangements, liaising with HMRC for approval and providing AIFMD and implementation advice.

### Key people



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## Public Procurement

**Service overview:** Procurement law compliance is critical for teams awarding contracts and driving projects forward. The consequences of getting it wrong can be serious, in terms of costs, delays and public perception. We give quantitative and qualitative advice about what to do, rather than just reciting the risks. We draft and advise on all project documents, from PINs, OJEU notices, selection questionnaires and invitations to tender/negotiate/dialogue and debrief documents. We know the issues that commonly occur, such as: eligibility, scope change, bidder issues, evaluation questions, and can therefore defend claims. We also advise on direct awards giving clients the confidence to proceed without a competition. We advise procurements regulated by the Public Contracts Regulations, the Utilities Contracts Regulations and the Defence and Security Public Contracts Regulations, Concession Contracts Regulations and on unregulated procurements and can advise on procurement litigation.

**Case spotlight:** Conducting procurement compliance audits on behalf of DCLG on over 100 contracts supported by ERDF funding across the North East, West Midlands and East Midlands regions on behalf of DCLG. We also advised on the re-procurement of the Foreign and Commonwealth Office's global fixed and mobile voice and data telecoms network and services contract.

## Property, Real Estate & Construction

**Service overview:** Our real estate team plays an active role in the Property Standardisation Group, leading the way in Scotland on property contracts and deeds. We proactively advance ideas and find solutions, often using our expertise in infrastructure, energy, transport, retail, leisure, social housing and other sectors to provide extra input. Our pre-eminent practice represents a broad spectrum of clients whose primary business is real estate or relies on a significant real estate base. It has expertise across: all areas of commercial property; investment; development and regeneration; real estate finance; funds; hotels and leisure; energy, nuclear and renewables; water; retail; transport and infrastructure; corporate occupiers; high-end residential; social housing; property dispute resolution; construction; compulsory purchase; and planning. We are familiar with all forms of industry standard form construction contracts and professional appointments.

**Case spotlight:** We advised Clyde Gateway URC on a number of construction contracts and professional appointments relating to remediation and infrastructure works at an 11 hectare site at Shawfield, Glasgow as well as the construction of a commercial multi-let building. We also negotiated a development agreement with a third party private developer that deals with the promotion of the site and development of further units on the site and their disposal and letting; protections were built in to the documentation in order to prevent it lying undeveloped or being sold on for profit without development and it was structured so as to be institutionally fundable. We also drafted a deed of conditions to regulate maintenance of the common parts of the site as both the site and common parts evolve through the development project.

### Key people



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## Tax

**Service overview:** Our tax team advises on all aspects of UK and international tax, including direct and indirect taxation. Tax is a key driver as to how transactions are structured and we provide strategic advice to clients at the early stages of any transaction to ensure that the deal is implemented in a tax-optimal manner. Our team has a depth of experience advising across numerous industry sectors – from private equity, capital markets, technology, insurance and finance to energy and real estate. In contrast to our accounting competitors, we offer a one-stop shop – offering not only pragmatic tax consultancy and advisory services but also the legal expertise to ensure that the planning is documented and implemented in a tax-efficient manner.

**Case spotlight:** We advised NHS Orkney on the direct and indirect tax implications of procurement models and Network Rail on the tax implications of contractual joint venture arrangements and various property transactions.

## EU law

**Service overview:** EU law is, presently, pervasive and integral to the UK Legal system. While Brexit will bring about the single most significant change in modern British legal history, for the time being a detailed understanding of the impact of EU law across our areas of sectoral expertise is essential. Our experience includes: rules allowing for cross-border investment and the free movement of capital; public interest regulation such as consumer protection, economic regulation of utility and transport public service provision by private companies; financial services regulation; rules on state aid and governing public procurement; European structural funds (including claw-back/irregularity issues); environmental regulation; energy and climate change; intellectual property; data privacy and protection; information technology; tax; technical standards and safety and other matters to do with free movement of goods; employment, immigration and things associated with the free movement of people; and operation of the single market, in particular competition.

**Case spotlight:** Advised various UK public sector bodies with managing authority responsibilities in relation to the audit of EU-funded EDF projects. The audit outcome resulted in irregularities which had a potential cost to the UK of c. £100 million. We advised bodies on challenging the findings, represented the UK in a formal hearing, and were able to massively reduce the clawback sought. We also conducting procurement compliance audits on EDF across three English regions and successfully resisting clawback for two public sector bodies in Scotland. Separately, we have advised a number of Member States (including in England and Wales, Scotland and Northern Ireland) on implementation of EU single market energy directives.

### Key people



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## Planning

**Service overview:** We are experienced in all aspects of planning law in the residential, regeneration, retail, hotel, energy and infrastructure sectors and recognised for our skills in town centre, mixed-use development, compulsory purchase, viability and funding structures. Our work includes: planning agreements and planning conditions; strategy for obtaining consents; obtaining consents: TWAO (Scotland), planning permissions, change of use and other environmental (including EU issues) and roads consents; listed buildings, conservation areas and scheduled monuments consents; CPOs and s75 Agreements; land acquisition, including by compulsory purchase; public inquiry work and judicial review.

**Case spotlight:** Advised the Airports Commission on the need for additional UK airport capacity and recommendations on how this can be met in the short, medium and long term, assessing EU environmental issues, pros/cons of the potential consent processes, deliverability of a noise authority and a range of other issues relating to the process for delivering a new runway. Advised Scottish Enterprise on the proposals for harbour improvements at the Port of Leith, Edinburgh, including advice on the relevant consenting regimes and the related requirements for Environmental Impact Assessment and Appropriate Assessment under the Habitats Directive.

## Projects

**Service overview:** Our projects/PFI/PPP/NPD practice is one of the largest and most experienced of any international law firm, combining deep and current legal expertise with sophisticated marketplace knowledge and industry expertise. We regularly act for public sector bodies in all infrastructure sectors worldwide including: airports, bridges, defence, education, energy (including energy efficiency), health, housing, information technology, ports, prisons, public buildings, rail, roads, tunnels, wastewater, waste and water. We support public sector clients in designing procurement schemes, for use on single or multiple projects, in procuring individual projects, managing contracts once awarded and in dispute resolution and litigation when things go wrong. We have worked at the forefront of the development and deployment of all of the principal types of contract model for private sector participation, around the world – concessions, DBFO, BOO, BOT/BOOT, franchises, management contracts and frequently advise on the relative merits of each.

**Case spotlight:** Advised the University College Hospital London PFI project on the removal of soft services from the original Project Agreement at the Trust's request. Based on our experience on UCLH we undertook a similar exercise at Edinburgh Royal Infirmary to remove certain soft services from the project scope. We have advised on all the Scottish NPD projects and on the delivery of multiple DBFM education and community healthcare projects through the Scottish hub initiative, including Stirling Care Village, Inverurie and Forresterhill Health Centres,, Barrhead High School and Forfar Community High School. We represented the Project Company in a series of 8 adjudications arising out of the construction of a new wing at St George's Hospital in London. Separately, we have been advising various Project Companies on a number of mental healthcare facilities across the UK in relation to claims arising out of patient damage.

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## Restructuring and Insolvency

**Service overview:** We live in a global marketplace and our clients need advice wherever they may trade or invest. Our lawyers can advise with confidence on competing jurisdictions around the world, with a core team in all of the major financial centres of the world. We regularly advise our clients not just on the legal framework in different countries but also on how to protect their interests by identifying those jurisdictions and laws that are best suited to address their needs. We have extensive experience of supplier, partner and supply-chain insolvencies and restructuring. Our group is supported by a team of lawyers from the fields of finance, corporate, litigation/dispute resolution, real estate, intellectual property, employment and pensions.

**Case spotlight:** Advising HM Government in respect of contingency planning regarding facilities management and construction services in relation to Carillion's financial difficulties and subsequent insolvency. We also acted in a Supreme Court appeal relative to the impact of a foreign determination of a claim in an insolvency upon the ability to claim setoff (see - *Joint Administrators of Heritable Bank plc v. Winding Up Board of Landsbanki Islands HF*).

## Education Law

**Service overview:** Our education team advises across the spectrum of education issues relating to further and higher education bodies and schools including: **regulation and governance** (advising on the requirements of the specific legislative framework governing the provision of education and on related matters such as charities law and the relationship with local government); **sites and campuses** (advising on property and development issues relating to universities, colleges and schools including schemes carried out under PFI/PPP/NPD); **funding** (advising on funding arrangements for education including funding agreements with the SFC as well as commercial funding); **academy conversions** (advising on numerous academy conversions including individual schools and also local education authorities); **disputes** (advising on the full range of disputes including, for example, defects arising out of campus refurbishments/redevelopments, disputed final accounts under building contracts for major campus extension projects, employment/grievance disputes, general commercial disputes and FOIA requests); and **IP** (advising on the registration and enforcement of intellectual property rights and passing off).

**Case spotlight:** Advised Scottish Enterprise on its collaboration with the University of Strathclyde in relation to the development and funding of the ITREZ (International, Technology and Renewable Energy Zone) in Glasgow City Centre. Advised a major independent school on governance reviews and construction of new buildings and facilities. Advised the Department of Education on the competition and terms of the licence for the flagship Institutes of Technology programme.

### Key people



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## Energy and Natural Resources

**Service overview:** We are recognised as having one of the leading energy practices in the world, built on our extensive experience of advising governments (40+), regulators, corporates, commercial banks and multilateral agencies on energy for more than 80 years. Our expertise includes: upstream and downstream oil and gas; nuclear – the whole fuel cycle; renewables – onshore and offshore wind, solar, EfW and biomass; conventional generation projects; transmission and CATOs; distribution and distributed generation; new energy technologies; gas and electricity storage and batteries; retail electricity and natural gas supply; energy efficiency (heat, power, cooling) including retrofit; demand side management; pipeline and maritime transportation; LNG, oil and gas trading; energy market reform and regulation; privatisation of energy businesses; M&A, joint ventures; all types of finance; and CfDs, the capacity market and corporate PPAs

**Case spotlight:** We wrote the BSC and the UNC (the GB rules for wholesale trading of electricity and gas, respectively), have been involved in every seminal development of the GB market since privatisation and have particular strength in energy regulation. We advised on the UK's first two LNG import terminals, advise regularly on all forms of power generation and have been active in North Sea oil and gas since the 1960s. We have advised DECC on Carbon Capture and Storage Commercialisation Competition, and we have advised Ofgem on the licence and industry code changes necessary to implement government policy on offshore transmission.

## Food, Rural and Environmental Affairs

**Service overview:** Our team provides clients with advice on a broad range of matters such as corporate M&A, commercial dispute resolution, intellectual property, trade marks and designs, commercial contracts, licensing, regulatory, product recall, advertising, commercial property and planning and employment matters, along with extensive experience advising in connection with investigations and proceedings brought by the HSE, FSA and Trading Standards.

**Case spotlight:** Advised on EU restrictions on product labelling for a prescribed / regulated food description, and whether the product infringed these rules. Advised on contentious issues relating to grants made available in the UK and overseas for food and fisheries related projects and the misuse and recovery of grant funds. Advised a substantial recipient on issues relating to the calculation of Single Farm Payments including successful court proceedings. Advised in relation to the calculation of payments under the Common Agricultural Policy.

### Key people



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## Franchise law

**Service overview:** Our clients enjoy access to our extensive domestic and international network of franchising experts, across the UK, Europe, North America, Africa, Asia and the Middle East, which allows our teams to offer seamless services. For many businesses around the world, franchising is the most efficient, profitable path to growth. You'll benefit from our strategic advice on all issues, including: franchise formation and structuring; franchise structuring; financial models; master franchising; use of franchising in the healthcare sector; social franchising; franchise relations; litigation and alternative dispute resolution; product marketing and sales; customer data management; antitrust and competition law; tax; licensing; and joint development.

**Case spotlight:** Advised the NHS Trust on international knowhow and licensing issues related to cooperation with foreign healthcare providers in the Middle East and China. Advised leading brand Hunter Boots on its brand strategy, ecommerce, online retailing, franchising, distribution and licensing, terms and conditions of sale. Advised Stagecoach Group plc on a mixed franchising / sub-contracting arrangement in respect of its Megabus long distance coach brand.

## Health and Healthcare

**Service overview:** Our global healthcare team advises healthcare providers delivering healthcare services and products to increasingly demanding consumers around the world. Our clients are innovating and generating revenue streams outside their home base and draw on our global capabilities for support. They include governments; hospitals and health systems; aged care and senior living facilities; health insurers; health product manufacturers and service providers; academic medical centres, clinical research organisations; retail, mail order, pharmacies and pharmacy chains; pharmaceutical and biotechnology companies; health IT and e-health companies; healthcare education institutions; and healthcare investors. Our experience includes: joint ventures and partnering; capital projects and PPP; construction contracts; estates planning, reorganisations, sale of surplus and developments; estates and facilities maintenance contracts; procurement and competition law; confidentiality, NDA and data sharing; regulation, governance and public law approvals; cyber risks and health technology coverage; start-ups, Seed Enterprise Investment Scheme applications and investor introductions; financing, private equity and other investment; data protection issues and data management; dispute avoidance and litigation; pharmaceuticals; research and development and clinical trials; managed service agreements; agency, distribution and franchising agreements; shared services contracting; and digital health.

**Case spotlight:** Advised Monitor on and drafting the forms of provider licence issued by Monitor to providers of healthcare services to the NHS. We advised NHS Lothian on all aspects of the £432m Royal Hospital for Sick Children and Department of Clinical Neurosciences NPD project and the joint venture between Cambridge University NHS Trust and John Laing on a proposed project to deliver a new private hospital, specialist medical training facilities and conference centre, hotel and ancillary facilities as part of the Cambridge Addenbrooke Medical Campus.

### Key people



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## Life Sciences

**Service overview:** We work closely with healthcare establishments and services providers, research centres and foundations, as well as international pharmaceutical companies, healthcare and life sciences players. Our dedicated, multi-specialty practice provides a wide array of services across the spectrum of health-related companies. This includes advice on intellectual property rights, best procurement practices, government regulatory policies and enforcement, patient confidentiality, corporate transactions, mergers and acquisitions, and litigation, to name a few. When you need it, we collaborate with consultants in healthcare delivery, pharma-economic experts, management advisers, and leaders in scientific opinion and research institutes. We have a dedicated life sciences consultant who can provide specialised support on regulatory and commercial issues for pharmaceutical and medical devices businesses; and partners who advise on the commercial exploitation of medical and pharmaceutical companies and health facilities.

**Case spotlight:** Advised GALVmed on a project involving AgResults (a collaborative initiative between the governments of Australia, Canada, the United Kingdom and the United States as well as the Bill & Melinda Gates Foundation) to implement a US \$30m competition, including advice in connection with financial arrangements and strategy. Also advised Resolution Chemicals (a generic pharmaceutical company) in a court action involving validity/infringement relating to AstraZeneca's biggest drug, Crestor. We are advising various biotechnology companies on stem cell, MAB and medical device patent, licensing, distribution and product supply matters.

## Telecommunications

**Service overview:** We have genuine telecoms specialists who know the sector intimately. Several of our people have substantial in-house experience. In the UK our team has been challenging the status quo in the sector since the UK telecoms market was liberalised and incumbent BT privatised during the 1980s. While we personally know many telecoms suppliers well, our strategy is not to act for them. Instead, we act for customers – in both the public and private sectors. Our people have acted opposite the likes of BT, Colt, EE, Telefónica, Three, Verizon and Vodafone in the UK. We provide a full service provision across the telecoms sector, including advising on: network infrastructure and broadband roll-outs; regulation, compliance and public law/policy; spectrum management and auctions; market reform programmes; privatisations; M&A, joint ventures and strategic alliances; MVNOs; specialist dispute resolution; investigations; services and equipment procurements; IPR protection and exploitation; information risk management; finance and capital markets; and innovative technology strategies.

**Case spotlight:** Since the summer of 2016, we have been supporting the Foreign & Commonwealth Office, as well as the DFID and the British Council, on the procurement of their global fixed and mobile voice and data telecoms network and services contract, covering – among other things – UK offices, as well as their ever-expanding overseas embassies, consulates and other offices in over 170 countries around the world. We have also advised Royal Mail on the procurement of telecoms networks and services from BT.

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## International Trade, Investment and Regulation

**Service overview:** We have international trade and investment practitioners across the world. Many of these are former diplomats and government officials with detailed knowledge of international trade and negotiating trade deals and direct contact with Government. Our global trade team advises on: customs law; export controls; foreign direct investment and bilateral trade treaties; international trade; regional trade agreements advice and litigation; trade compliance; trade disputes and negotiations; trade remedies/trade defence instruments; trade sanctions; and WTO advice and litigation.

**Case spotlight:** Advised British Polythene Industries plc and its Chinese subsidiary, Xinhui Alida Polythene, in relation to European Commission anti-dumping and anti-subsidy investigations into plastic bags from China, achieving a reduced tariff in recognition of particular arrangements between the BPI group companies. Over 20 years' direct representation of exporter-side interested parties in EU anti-dumping, anti-subsidy and safeguard proceedings involving wide range of industries. Representing exporters in more than 20 EU court actions for annulment of EU acts imposing trade defence measures, including direct actions, Court of Justice appeals and preliminary references.

## Public International Law

**Service overview:** We have a well-established international team focusing on public international law. Our practice covers all aspects of public international law and includes: maritime and outer continental shelf delimitation; sanctions; state responsibility and self-determination; proceedings in the International Court of Justice; project-specific international agreements between host states; treaty negotiations and accession; international human rights law; state succession; and investment treaty arbitration, including under bilateral and multilateral treaties. Our team includes lawyers with advanced degrees in public international law. Team members have previously held senior positions in the legal departments of ministries of foreign affairs and intergovernmental organisations, or as law clerks in the International Court of Justice and other international tribunals.

**Case spotlight:** : Our UK, European and US teams have advise oil majors, manufacturers, financial institutions, investment and wealth management companies on trade sanctions in Iran, North Korea and Russia. We successfully representing a client in an ICSID arbitration initiated by Philip Morris under the Hong Kong-Australia bilateral investment treaty. The allegations of breach of the treaty stem from the legislative change that prevents tobacco companies from using their brand on cigarette packages.

### Key people



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## Charities Law

**Service overview:** Our charities team advise on all aspects of Scottish Charity Law from creation, conversion, mergers/amalgamations, reorganisations to general administration and sector specific legal advice. We administer a number of grant giving charitable trusts and advise trustees/charities on their duties as trustees and all governance and regulatory matters. Our team are in regular contact with the Office of the Scottish Regulator and have advised a number of household names and private family trusts.

**Case spotlight:** Our charity team was instructed by the University of Glasgow Trust to provide constitutional advice in connection with a restructuring exercise that the University was undertaking. This involved advising on the reorganisation of a public trust, amending the original Deed of Trust to reflect the changing dynamics and requirements of the University charity, together with providing advice on the necessary steps to implement these changes including obtaining authority from various University bodies and liaising with OSCR on their behalf. We advised on the establishment of Scottish Charitable Incorporated Organisation (SCIO), MCR Pathways, an innovative Scottish charity that operates a school based mentoring programme focusing on schools in the most deprived areas of Scotland supporting young people most in need. This involved advising on and the completion of the SCIO application, the drafting and formal adoption the Charity's Constitution via written resolution with the initial trust administration.

## Health & Safety Law

**Service overview:** Our health and safety team advises a wide range of clients in relation to health and safety matters. We represent and defend businesses in connection with Health and Safety Executive (HSE) investigations and prosecutions, including in particular in the construction, rail and energy sectors. We regularly advise clients on responding to regulatory investigations by the HSE and local authorities in connection with safety matters, including in appealing against statutory notices and invoices imposing fees for intervention. Our experience includes: safety liability management and incident planning; interpreting regulatory obligations; drafting and reviewing health and safety policies re general business and travel in dangerous locations; negotiating with regulators in respect of enforcement action and pursuing legal challenges where necessary; responding to regulatory investigations; inquests and public inquiries; defending clients involved in regulatory prosecutions for safety offences; strategic management following major incidents; strategic sector-based law and policy interpretation; holistic advice on regulatory barriers and/or incentives and encouragement mechanisms; and health and safety due diligence and liability management.

**Case spotlight:** Advised a major drinks industry client on a workplace fatality and significant workplace fire. Advised a leading operator of UK care homes on the defence of a prosecution involving a death in one of its homes. Undertook a review and audit of its health and safety legal compliance for London Overground Rail Operations Limited.

### Key people



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## Transport Law (excluding rail)

**Services overview:** We have extensive leading experience advising both public and private entities on all requirements across the transport sector. We are frequently engaged in cutting edge and complex road and transport projects acting for governments, local authorities, project companies, lenders, contractors and operators. Our transport work across the globe includes: roads, bridges, tunnels, harbours, airports, haulage, maintenance, logistics and regulation. Our comprehensive advice covers all related matters from project planning to privatisation, from supply chain to congestion management, and from partnering to dispute resolution. Our global reach enables us to access internal precedents from other active markets and innovative current transport projects, creating cost benefits and efficiencies for our clients. In the UK we have a track record of successfully advising on and delivering transport projects, having advised on over 30 major PPP roads projects, significant DBFM and highways maintenance projects, various transport related disputes, and operational matters including contract interpretation, contract changes and secondary markets transactions.

**Case Spotlight:** Advised on the design and implementation of the UK's DBFO roads programme and the related technology traffic control centres and motorway communications and technology contracts. Advised on the £750m Aberdeen Western Peripheral Route NPD project. Advised Transport Scotland on the 4G Trunk Roads Contracts. Advising on aspects of Luton Airport's current expansion programme.

### Key people



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