

RM6179 Legal Services Panel

DLA PIPER UK LLP

Lot 1 – General Legal Advice and Services

VERSION 4 – SPRING 2023



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Contact any member of the team directly or email us at governmenttenders@dlapiper.com

Disclaimer:

The use of information provided throughout (with particular regard to that given in case studies and key contact biographies) is not commercially sensitive, and where it is not a matter of public record then appropriate permission has been sought for inclusion.

Introduction

We are delighted to renew and strengthen our strategic relationship with government through our appointment to Lot 1 (General Legal Services) and now to Lot 2 (Complex Finance) of the Legal Services Panel.

What you can expect from DLA Piper

Breadth and depth: Whether it be dealing with protestor action, complex technology transformation programmes, strategic procurement litigation, response to COVID-19, defence projects, complex infrastructure programmes such as HS2 or Lower Thames Crossing or your everyday requirements, we have the capability and capacity to meet your needs.

Attitude: Through our long history advising government (over 20 years), we understand what works for you; our job is to work as an extension of GLD and as a trusted advisor to clients. We bring practical solutions to complex problems through first class analysis.

Like you, we care about the public services our work seeks to deliver. We care about diversity and inclusion in our workforce and are strong supporters of social mobility: one of our Executives was until recently co-Chair of the Social Mobility Commission. We are concerned about the challenge of climate change (we were appointed as the exclusive legal provider to COP26) and are responding in a concrete way to this through our own science-based Net Zero Commitment. For more information see our Social Value page.

Investment: UK Government is our firm's single largest client. We have invested significantly in hiring new talent, appointing a dedicated account manager, training our

team through our Government Academy and empowering our next generation through a multigenerational Steering Committee. We invest in our individual government clients, spending time to understand their needs through our client listening programme. We share our knowledge internally and with our government clients through training and knowledge transfer.

Innovation: According to the Financial Times, DLA Piper is Europe's Most Innovative Law Firm 2021. We recognise the continuing pressure on you to deliver value for money legal services. In response to this, our tools include legal project management, Business Process Improvement and volume legal service solutions. We use a range of legal technology including a document review platform, e-disclosure and e-preview tool, secure data management rooms, a transaction management platform and a legal document automation tool. We are ideally placed to support government to do more for less.

How are we different?

Our distinguishing feature is our ability to “get boots on the ground” quickly no matter the nature of the challenge and, sometimes, where other firms fail. Our collaborative, down to earth, “get the job done” approach puts government first, results in clients coming back to us and is why we were consistently a top 3 external advisor to government over the last Panel.

The next four years

The last four years have been relentlessly challenging but also exciting. We look forward to being by your side over the next four years as we support you in meeting the many challenges ahead.

Sarah, Robert and Colette

Your dedicated relationship management team



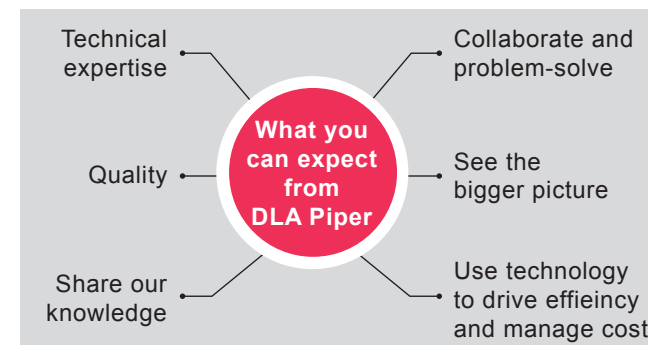
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Team Structure

Working with Government is often challenging yet always a privilege. Our dedicated Government team, which combines practitioners at all levels of experience across our seven UK offices, is enthused to embark on this new stage of our relationship with you. We have a reputation for our collaborative approach and look forward to the opportunity to working in partnership with Departments, with GLD and with other advisors to ensure all of today's and tomorrow's challenges are met.

Client Relationship Partners

 Sarah Bell sarah.bell@dlapiper.com	 Robert Smith robert.smith@dlapiper.com
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HMG Executive Team

 Amanda Pilkington Partner Information Technology	 Mark Vipan Partner Healthcare/Commercial	 Peter Brook Partner Contracts
 Howard Bassford Partner Planning	 Steven Condie Legal Director Public Law	 Colette Knowles Account Manager
 Karen Skeggs Legal Project Manager	 Mark Coulson Commercial Finance Accountant	 Vicky Pratt Senior Pitch Manager
 Ben Peacock Partner Construction Law	 Emma Dowden Teale Partner Public Law	

DLA Piper key facts

- 20+ years supporting HM Government
- 150+ Core Government team specialists, including previous GLD lawyers
- 400+ lawyers regularly undertaking Government work
- 1000+ lawyer capacity in the UK where needed
- 20+ lawyers who have security clearance
- UK offices in Birmingham, Edinburgh Leeds, Liverpool, London, Manchester and Sheffield
- Global law firm located in 40+ countries



Proactive advice can only be provided by people who have done this before. As one of the largest UK (and global) law firms, we draw upon a team of over 150 government lawyers which means you will benefit from one of the largest and most experienced government teams in the UK. We can also call upon the strength of our wider pool of highly experienced UK and international lawyers across a range of practice areas, scaling to meet your demands.

Social Value

Our Responsible Business strategy focuses on understanding how our firm's operations impact our business and society from an environmental, social and corporate governance (ESG) lens. It means working openly and collaboratively with others to achieve these goals, leading where we can and being prepared to advocate for needed change.

Our Environment

Our environmental impact and opportunity is linked to the work we do for and with our clients, and the advice we give them. In our Sustainability Report for 2020/21 we've set a sector-leading science-based carbon reduction target to reduce our absolute carbon emissions by 50% by 2030. Additionally, by 2030:

- We'll aim to reduce our supply chain emissions by 25%
- We'll aim to reduce our business travel footprint by 75%

By **2025**, 100% of our electricity in the UK will be sourced renewably and we'll divert 95% of waste away from landfill. We are concerned and vocal about the challenge of climate change and were honoured to be the exclusive legal services provider to **COP26**. We have committed a member of our Executive to delivering on ESG.

Our People

Our vision is to create a firmwide inclusive culture, where our people can thrive. Our Diversity and Inclusion strategy is based on three pillars:

- Our goal is for 30% of all **Partners to be women by 2025** and 40% by 2030.
- A requirement that at least 50% of partnership promotions come from under-represented groups (we achieved 55.5% in our 2022 promotion round).
- Monitoring our Business Services population to ensure it remains inclusive and representative – where there are imbalances, address them head-on through proactive and targeted recruitment.

Our Society

We are committed to using the skills and experience of our people, working across networks and leveraging our influencing ability to make the world a fairer and better place for all. We take a holistic approach to addressing key social issues, which includes our partnerships, operations and advice.

We focus on empowering people from under-represented groups and in underserved regions to achieve their full potential through our Head Start and Global Scholarships Programs. In 2021, we achieved ranked in the **Top 20** of UK businesses for our Social Mobility efforts in the UK (Social Mobility Foundation, 2021)

We have, so far, have committed to 201,800 hours of **pro bono** work – more than any other law firm globally – helping to build a pro bono culture in the legal profession around the world.

Supporting Government

We actively work with our suppliers on minimising ESG risks and maximising positive impact. Our goal is for 100% of our key suppliers to have signed our updated **Sustainable Procurement Policy** and Supplier Code of Conduct. We collaborate with government clients on social impact programmes and can support government with:

- ESG due diligence, audits, assessments and bench marking
- Policy reviews and developing ESG messaging
- Compliance frameworks
- Sustainable finance

Contact us at governmenttenders@dlapiper.com for further information or support on ESG initiatives.



Jean-Pierre Douglas-Henry
Managing Director –
Sustainability and Resilience

Our commitments



Legal sector collaboration



Third party assessments



In 2020 we received a highly respectable **B** on our CDP Climate assessment, and a good score of 80/100 in the EcoVadis Environment category.



Mandatory Specialisms

Competition Law

Introduction

Our London UK and EU Competition team has advised many public sector clients over the years on a range of competition law issues which have arisen on government projects.

We are a truly global network of specialist competition practitioners. This differentiates us from many other international firms and ideally positions us to handle the most complex and high-profile matters, whether on a national or cross-border basis.

The team works closely with DLA Piper's Government Relations and Global Trade teams, which gives us a unique perspective on the workings of governments and policy makers. We have a significant presence in EU and Competition law in London, Brussels and throughout the rest of the firm's global network.

We act on a full range of non-contentious and contentious Competition/Antitrust matters, including:

- Commercial agreements.
- Abuse of dominance.
- Behavioural and strategic advice.
- Multi-jurisdictional and national merger control.
- Competition investigations and enforcement, including cartel related work.
- Compliance audits and programs, including dawn raid training.
- Competition litigation, competition regulatory matters.
- EU State Aid/UK subsidies.
- UK National Security & Investment Act.

We have advised a range of public sector organisations on a variety of competition issues.

Our track record – advising:

- The **Department for Transport** (DfT) on various rail franchises, assessing rival bidders and competition law issues. We advised DfT on subsidy control issues relating to sustainable air fuel.
- A **central government department** on its ongoing procurement of three maritime vessels, where the government's policy is to ensure UK shipyards are used as much as possible, and which required detailed Bidding Guidelines to ensure compliance with competition law, whilst allowing for the possibility of cooperation between bidders.
- **Birmingham City Council** on the restructuring of their road project in relation to the new UK subsidy regime.
- **Football Dataco** on one of the most significant pieces of competition related litigation in the courts: a challenge to a long-term exclusive contract for the licensing of data under Article 101 and 102 which will have significant implications for the assessment of long-term agreements in the future.
- **Halton Borough Council** on the Mersey Gateway project in relation to EU State Aid law, including specific advice on the proposed tolling scheme, the application of GBER and overall compliance with the general principles of State Aid.
- **DfT** on the potential merger control and State Aid implications of the creation of a new entity for the operation of the Vehicle Certification Agency.
- The **Cabinet Office** on competition law relating to the creation of the Integrated Debt Services Limited ('IDSL') – a joint venture between the Cabinet Office and TDX/ Equifax.
- The team has also experience in assisting organisations with strategic responses to government proposals, including advice

on lobbying strategy and prospects for challenging proposals.

This gives us additional depth and breadth of experience in dealing with any potential issue that might arise for government in this area.

- Examples include assisting a **global beverage company** with its strategic response to the government's proposal to effectively abolish tied pubs in the UK. The team advised on the engagement strategy and prospects for challenging the proposal.
- Examples of our selected private sector experience include **Ambassador Theatre Group/Live Nation, Hasbro, ATOC, Aer Lingus, Bacardi, Heineken, ESPN Inc, Discovery Communications and Rolls Royce.**

Speed read

- UK team of 4 partners and 5 associates, with over 60 lawyers globally.
- Relevant experience of advising government on a number of issues with a potential competition law implication.
- On-point technical advice that is both commercial and practical.
- Unique perspective on the workings of government and policy makers.



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Construction Law

Introduction

The construction team has extensive experience in advising on complex construction projects at all stages of their lifecycle. We have a track record of success providing proactive commercial legal advice in relation to the most appropriate strategy for the successful delivery of a project (ranging from alliancing and partnering to more traditional methods of delivery, whether on a single or two stage basis), providing practical, operational and risk management advice and where required, in connection with dispute resolution (a number of our partners are qualified Adjudicators, Mediators and Arbitrators).

Our approach is to work with stakeholders to understand the project requirements, develop a strategy and advise to achieve your objectives in considering the public procurement rules and governance framework applicable throughout.

We have extensive experience in advising clients on all the standard industry forms of contract including the NEC suite of contracts, (the ECC and PSC) in all the Main Options (A, B, C, D and E). In addition, over recent years we have been involved in developing cutting edge commercial models for some of the largest infrastructure projects in the UK.

These innovative models seek to move away from the often-adversarial nature of construction contracting, where the emphasis can be on contractor claims, with a view of the parties working together to achieve the “best for project” outcome. This can include bespoke incentivisation mechanisms (both positive and negative) and rewards for meeting key project objectives.

Our track record – advising:

- **National Highways** on its circa GBP7bn Lower Thames Crossing scheme, which will create one of the largest bored tunnels in the world, connecting the counties of Essex and Kent. The scheme is being procured in several stages and under various contract

packages – all using NEC3 or 4, including the ECC Main Option C, the PSC (Options E and G), the short form ECC and PSC and the TSC. Given the split of contracts and the number of stakeholders involved, there is significant emphasis on the integration of the contracts in order to achieve the construction of a single asset - something that is looking to be achieved through several different mechanisms, such as a scheme wide incentive and innovative commercial model.

- The **Department for Culture, Media and Sport** on their recent procurement of an NEC4 Term Services Contract for state ceremonial events and state visits. One of the key requirements for this contract was the flexibility to call off the contractor on short notice with the option to use any one of the NEC4 payment models.
- A **central government department** on the construction elements of a multi-phased project relating to national security. A number of phases of the project have already been successfully delivered on programme and budget. Our role has included:
 - Drafting client specific ‘Z’ Clauses to supplement the standard NEC4 ECC Prime Contract.
 - Drafting of specific Forms of Bond, Warranties, Guarantees etc. for inclusion in the NEC ECC Prime Contract.
- Support and advice on contractual drafting implications on proposed contract terms and condition elements of the NEC4 ECC Prime Contract documents to provide assurance that the Contract delivers the contractual intent defined in the Procurement and Commercial Strategies.
- Review of ITT documentation prior to issue for contractual integrity.

- Support in preparation and review of final contract documents for conclusion of contracts.
- Support and advice in preparation and issue of Contract Award notification letters to successful and unsuccessful tenderers.
- **Scottish Ministers** on all aspects of the GBP1.3bn Queensferry Crossing near Edinburgh, Scotland. The design and construction elements included advising on legal issues arising from the construction contracts - all based on the FIDIC Silver Book - for the main crossing, a new junction on the M9 motorway and the installation of a new intelligent transport system.
- On ‘government specific’ provisions for inclusion in template construction contracts (NEC and JCT), merging our work in advising government over many years on core contracting templates.

Speed read

- Extensive experience of advising central and local government on minor projects to nationally significant multi-billion-pound contracts (based on JCT, NEC or otherwise).
- At the forefront of promoting “best for project” solutions and cutting edge commercial models and incentivisation.



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Contracts

Introduction

With a team of over 500 lawyers, our Contracts specialists combine intimate knowledge of contract law and sector specialism with strength and depth to allow real focused knowledge pooling. The best contracts are ones you can put away and not think about but know, if needed, they are robust, appropriate and clear. Our experts help you find win-wins, plan for all eventualities and help you avoid and mitigate future risks to achieve best outcomes. We know the risks and opportunities from both the public and private sector side and have acted on some of the most complex and innovative commercial arrangements that government departments have undertaken in recent years.

Our track record

- **Bespoke Contracts:** Advising the **Department for Transport** (DfT) on a contract for a one-off purchase of specialised equipment. This included advice on base contract terms (we wrote the template recommended by Cabinet Office), provisions to acquire new (and wide licence to existing) IP, exit strategy and clauses, protection against insolvency risk and unusual provisions to acquire related regulatory rights where our specialist aviation team provided key input.
- **Template Contracts:** We have worked on many template contracts for government including the creation and drafting of previous versions of the “Model Services Contract” and have advised on a key schedule within it. We advised Cabinet Office on the creation of the “Public Sector Contract” and the recommended template of standard terms to be used by government for the purchase of goods and services. As follow-on work we advised Cabinet Office and HMRC on the creation of a new version of the “Mid-Tier Contract”. This links and adds to previous work for HMRC where we advised on its suite of standard terms for the purchase of technology.
- **Frameworks and DPS:** We help clients create and call off contracts from frameworks and DPS’ including selection of the

best framework vehicle. We are well placed to support on call offs balancing permitted variations with key changes to help clients achieve their commercial aims. Our work includes advising **Department of Work and Pensions** on the first DPS under the PCR 2015, advising **CCS** on the pilot framework which used the Public Sector Contract and advice for **Ministry of Justice** on establishing a linked framework and DPS for education services in English prisons and 18 call-offs.

- **Collaborations and Joint Ventures:** These arrangements require careful balancing of rights and obligations. Our years of experience in material collaborations and JVs, including drafting the recommended template contracts, means we are well placed to support you. We have advised a central government department on multiple joint ventures over time, we also regularly advise departments on collaborations with each other, NDPB’s and the private sector.
- **Changes/Novations/Assignments:** For a **government department**, we have advised on the interpretation of a key supply contract leading up to change of ownership of the supplier including assessment of contract protections (and addition of new provisions enhancing and anticipating a future exit) and organising the transfer of the contract including potential impact on an associated guarantee.
- **Events and sponsorship:** Alongside the need for usual clear drafting on requirements, price, duration and liability these agreements need clarity on what rights are being taken / granted and any associated service levels. We have advised several government departments on the hosting of major events including advising **FCDO** on the **G7** and **COP26**.
- **Grant Agreements:** Reviewing, drafting and advising on grant agreements for example advice to:

- (i) **UK Government** on grant agreements for impact of Brexit on the agreements;
- (ii) **DfT** on drafting of bespoke grant agreement for funding of sustainable aviation including alignment to best practice across government.
- **International Contracts:** We have advised **FCDO** and other government departments on bespoke contracts in Europe, Africa and other parts of the world.
- **Regulated contracts:** We have dedicated regulatory lawyers who work alongside contract specialists. For example, we advised a key public utility provider on its network upgrade and managed network services, including consideration of Critical National Infrastructure elements and key issues concerning managed fibre access for maintenance purposes, and consideration of the directions issued by Ofcom under the Communications Act relating to access to land and facilities.

Speed read

- Advising government on major and innovative contracts, purchase arrangements, frameworks, shared service and joint ventures.
- Experience of writing some of the key standard contracts for government, with a deep understanding of their nuances and history.
- A win-win situation is always best, but if complexities arise we advise on optimal commercial position with support from our contract dispute team where needed.



Peter Brook

Partner

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Corporate Law

Introduction

As the law firm that year-after-year advises on countless global M&A deals, we put our collective learning and experience together to ensure we deliver what government wants. As trusted advisors to government, having acted on some of the most complex and innovative transactions undertaken in the public sector in recent years. We also bring our extensive private sector experience to bear to anticipate the issues and to ensure deals are ‘on market’ every step of the way.

Our comprehensive regulatory advice and guidance on corporate governance best practice includes advising on implementation of new law and regulations, auditing compliance, analysing disclosure issues, and investigating allegations of wrongdoing. We also provide directors duties advice and training programmes, including to HMG’s Non-Executive Directors, and devised the HMG directors’ appointment letter. We developed (and now maintain) HMG’s standard shareholder documentation suite in partnership with Cabinet Office and GLD. The Cabinet Office deploys this across HMG for use in joint ventures and as adapted, aspects of it are also used for GovCo’s.

Our track record – advising:

- **Babcock Critical Services** on the GBP55m acquisition of S. MacNeillie & Son, a long-established designer and supplier of specialist vehicles and protection system integrations to the emergency services, and on its acquisition of the Defence Support Group from the **Ministry of Defence**. This was conducted by way of an auction with our client, Babcock, emerging as the winner.
- A **key government supplier** on the disposal of the electronic tagging/monitoring business to a competitor and advised a purchaser of Green Investment Bank assets covering a range of UK green projects across a variety of sectors, including offshore and onshore wind and energy.

- **HMRC** on the creation of Revenue and Customs Digital Technology Services; the **Department for Work and Pensions** on the creation of BPDTS Ltd; and the **Department for Business, Energy and Industrial Strategy** on the creation of STSCL. Advice included procurement, advice on best structure, company law, establishing entities, transferring the existing operation to the entities, directors’ duties, drafting articles of association, HR and State Aid.

Case study – Cabinet Office:

Advising the **Cabinet Office** and other departments on three complex shared services joint ventures (total value up to GBP3bn):

- **Shared Services Connected Limited:** Delivers transformational back-office services via a new shared platform to 12+ Departments.
- **Integrated Debt Services Limited:** A ‘one-stop-shop’ debt analysis and collection company for HMG.
- **Crown Hosting:** Provides ‘on demand’ hosting services at different levels of accreditation.

Our role included advising on the best vehicle and establishing it, drafting and negotiating heads of terms, complex shareholders agreements and share options, articles of association, business transfer and funding agreements, dealing with directors’ duties, capital markets advice, State Aid and EU Law. We also advised Cabinet Office on the sale of its stake in MyCSP, its JV with Equiniti and advise several government mutuals.

Case study – Kelda Group Ltd:

We have advised on the high-profile disposal of **Kelda Group Ltd’s** non-regulated Projects portfolio, including:

- An anaerobic digestion facility and green waste treatment plant procured by the County Council of the City and County of Cardiff.
- An anaerobic digestion facility procured by Edinburgh County Council in response to Scotland’s “zero waste” legislation.

- A multi-million-pound PFI project for the delivery of water and wastewater services to **Ministry of Defence** sites in England and Wales.
- A PPP for the delivery of water and wastewater services in Northern Ireland.

We provided solutions to project specific issues, assisting Kelda in commercial negotiations, and preparing bespoke drafting to document agreed positions. Interesting features of the sales included: effective in-sourcing of the NI Water project (following the sale of the project to a subsidiary of the procuring authority) which required a bespoke solution to satisfy third party project finance providers; a transitional arrangement for the management of defects at the recently operational Edinburgh Food Waste project; and an agreement to change the renewable incentive scheme for which the Cardiff Organics project accredited.

Speed read

- DLA Piper’s global corporate lawyers support the world’s leading enterprises, who benefit from a valuable combination of global insight and local knowledge that allows us to handle all aspects of complex corporate transactions.
- The ‘go-to’ firm for government JV’s and GovCo’s.
- Innovative and low cost tools deployed to ensure value for money.



Sarah Bell
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Dispute Resolution and Litigation

Introduction

DLA Piper offers litigation expertise in all the major sectors – we have in-depth experience of working with government lawyers in a wide variety of contentious contexts.

Our full-service offering is broad in its coverage, and we can provide a complete solution to your dispute and regulatory needs, through risk assessment, investigations, defence, crisis management, media relations, regulatory representation, mediation, arbitration, dispute resolution and strategic litigation.

Often our support entails pre-dispute or contract management work, working with our non-contentious colleagues and government clients to understand options, assess risk and support renegotiation or reset of failing projects and settlement of disputes. We are mindful of potential litigious activity when reviewing contracts or advising on procurements and can advise our government clients of potential pitfalls before they happen.

Our track record – advising:

- A **government department** resolve a series of related disputes with a value of more than GBP150m arising out of its telecoms and IT services contract. Resolution of those issues required detailed investigation and subject matter expertise, combined with a deep understanding of the Department's commercial priorities. Ultimately, the department was able to negotiate a combined settlement and contract variation, which secured continuity of services on more favourable terms whilst at the same time avoiding the Department making any financial payments in respect of the disputed claims against it.

- The **Department for Transport** (DfT) in the '2019 Rail Franchising Litigation', one of the most complex, high-profile and high-value commercial judicial review and public procurement claims litigated to date in the UK. The litigation concerned the allocation of pension risk liabilities in respect of several rail franchise competitions. From the outset of the litigation, we worked closely with our non-contentious projects team (advising the DfT on the ongoing franchise competitions) as well as with the DfT, GLD's commercial litigation team and DfT Legal Advisers. We led on a number of key tasks, including in respect of disclosure, witness proofing, instruction of Counsel, and experts. Through effective collaborative working, we rebuffed the claims entirely. The successful defence of the litigation meant that DfT avoided significant financial loss in the form of damages.
- **GLD** in the defence of judicial review proceedings commenced by the Good Law Project relating to contracts for antibody tests let during the height of the COVID-19 pandemic. We have assisted GLD in a variety of ways including in relation to disclosure and witness proofing. The dispute has become very high profile, and we have demonstrated our ability to work as a single team with GLD and the relevant government department to handle fast moving, resource intensive proceedings in an agile manner.
- A **central government department** on various contract and dispute management issues relating to its contract for IT services with a major supplier. The majority of the issues relate to a complex web of interrelated delays to the transition services under the contract and have required specialist advice from lawyers with sector expertise.

Tools and technologies

We use a range of tools and technologies to help our clients manage risk, including:

Aiscension: Our risk detection tool which includes a highly sophisticated AI algorithm designed to spot breaches in the law, helping clients overcome the challenges of high levels of regulatory risk and associated fines, where exponential growth of data means that traditional audit methodology is no longer efficient.

RelativityOne: A leading platform that provides integrated technology for managing large volumes of data and a comprehensive set of tools to accelerate discovery of relevant information.

Rapid Response: Our service to help you effectively respond to a dawn raid, cyber attack and many other major incidents. We will put you in touch with the right people to guide you through the incident response process.

Distressed Projects Simulator: One of the most critical challenges faced by our society is developing high-quality, sustainable infrastructure. To help meet this challenge, we have created an interactive training tool, which replicates real incidences of risk and project distress using a sophisticated algorithm derived from gaming technology. The simulator enables participants to develop a better understanding of critical business and stakeholder interdependencies, while supporting customer focus and market orientation in a risk-free learning environment.

Dispute Resolution and Litigation

- **NHS Test and Trace** (NHSTT) in managing all of its public and private law litigation. During the programme's existence, NHSTT faced a large number of claims relating to decision-making and contracting arising from the government's response to the COVID-19 pandemic. Amongst other things, DLA Piper provided a dedicated litigation secondee with the requisite experience and knowledge of government to provide support over a 12 month period. Through this support, NHSTT remained able to deliver vital services in response to the pandemic.
- **Department for Business, Energy and Industrial Strategy** on the **Magnox Inquiry**, which related to the failed procurement of a GBP6bn contract to decommission 12 nuclear sites across the UK by the Nuclear Decommissioning Authority. We assisted on all aspects of the Inquiry, supporting GLD in the defence of judicial review proceedings commenced against the Chair of the Inquiry by a number of individuals who faced potential criticism in the final report. The judicial review proceedings were defeated both at first instance and the Court of Appeal, with the judgments in the proceedings providing important guidance as to the conduct of public inquiries.
- On supplier negotiations and potential claims arising from politically sensitive contract awards. In 2015 two multi GBPhundred million contracts were awarded to two telecoms

suppliers relating to a Next Generation Network bringing together three services under the auspices of one centrally run network using cutting edge technology to replace the existing network. A DLA Piper team of contentious and non-contentious lawyers was subsequently responsible for acting in a risk advisory capacity working closely with external consultants, advising and supporting the **central government department** in relation to on-going negotiations with the suppliers and advising regarding potential claims. This involved the review and consideration of hugely complex contracts and inter-related provisions involving contracts with a number of different third parties. This was one of the biggest civil technology project being run on behalf of government with contract values of many hundreds of millions of pounds.

- **National Highways Limited** in response to protests by Insulate Britain which began in September 2021. Our work received high praise from the client:

“Very well done to you and all the team, an excellent result”
— Tim Reardon, General Counsel.

“A job well done, we are really happy”
— Helen Ramsden, Department for Transport.

Speed read

- Worked with government over many years thus bringing a deep understanding of how government litigates and how it decides when not to litigate.
- Subject matter experts across all relevant fields and sectors, as part a large, global dispute resolution practice.
- Close links to our commercial and contracting colleagues to provide seamless advice if on-going contracts become contentious.
- Proven track record of working collaboratively and cost effectively with government and GLD to deliver successful outcomes.



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Employment Law

Introduction

Our highly experienced Employment law team has worked for many years on the full range of public sector projects and advice for our government clients. The depth of our expertise enables us to take a strategic approach to the common challenges faced by government, on people issues. For example, GLD often seeks our view, in matters where they are taking the lead.

We also regularly act for private sector providers – so when we advise our government clients, we give essential insight into the priorities, commercial considerations, concerns and opportunities pursued by private sector bidders and incumbent providers.

We frequently advise and negotiate on restructuring around TUPE across a range of service and infrastructure projects, entailing contract variation and/or redundancies. Our approach to potential employee transfers is tactical and commercial: identifying how TUPE compliance and other employment law issues might drive other aspects and can give our public sector client a commercial edge in negotiations, implementation and TUPE compliance. We field senior lawyers to deliver TUPE tactical training to public bodies, on all aspects: from commercial strategy, to COSOP.

We are used to dealing with a high level of employee, trade union and media scrutiny – helping government to navigate these topics with skill and discretion.

We offer strong experience in handling industrial relations issues, in pragmatic commercial ways and focused on outcomes – but always against a backdrop of determined negotiation and robust use of industrial relations law, where necessary.

We act in all types of contentious employment law, including ACAS early conciliation, Employment Tribunal and High Court litigation.

We have acted in high profile cases leading to changes to the laws on redundancy consultation, holiday pay calculation, TUPE assignment and employment status.

Our track record – advising:

- A **government department** on the employment aspects of COVID-related projects. This has included analysis of the application of TUPE in different retender scenarios, assistance with evaluation of bids, briefings for decision-makers on the TUPE implications of a winning tender and supporting continuity of the services during transition.
- A **central government department** on a Programme combining several service lines in a large outsourcing and tender exercise. We are supporting on all elements: the employment law aspects of procurement, employee data, employment law issues in dialogue, trade union engagement, consultation, and TUPE law compliance by all parties (including incumbent providers, bidders and the Department). This is a complex project, potentially triggering many possible TUPE transfers between providers and subcontractors, with heavy reputational interests for all parties.
- A **multinational electricity and gas utility company** in outsourcing and re-let projects, across IT and contingent labour – leading on TUPE negotiations and resolving high value employee liability issues.
- A **government arms-length body** with insourcing major IT services from initial workshops regarding options for service model and TUPE approach and analysis of supplier contract terms to full implementation including consultation, terms and conditions change and completion of restructuring.
- **Ofsted** on the employment aspects of two major insourcing exercises, where Ofsted was taking in-house early years inspection services. We led the TUPE negotiations and advised on all TUPE

aspects, from concept to the successful implementation of early years inspection by Ofsted, alongside large-scale restructuring of the transferring workforce which was smoothly and amicably delivered, on time.

- **Financial Ombudsman Service** on TUPE outsourcing issues, particularly relating to IT and contingent labour.
- On and resolving a lengthy dispute involving multiple grievances, multiple data subject access requests, extensive correspondence with the Information Commissioner, Tribunal litigation, other threatened litigation, personal injury allegations and extensive sickness, maternity and pay discrimination allegations.
- A **public body** on equality impact assessments and sexual harassment, including advice on responding to a QC's report.
- On exit strategies, to deliver a swift, good value and relatively amicable resolution, reflected in a settlement agreement or ACAS COT3.

Speed read

- Broad, long-term experience of advising government on strategic, ground-breaking public sector projects.
- Our private sector experience brings essential insight to our advice to government.
- Tactical and commercial advisors – equipping government clients to understand and respond skilfully to the commercial positions taken by bidders and incumbent service providers.



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Environmental Law

Introduction

DLA Piper's Environment Group in the UK is a specialist team at the forefront for all aspects of environmental law, including:

- Environmental litigation.
- Defence of environmental prosecutions.
- Real estate and corporate transactions, with a particular emphasis on compliance issues.
- Environmental approvals and assessments.
- Due diligence for mergers and acquisitions.
- Waste management and disposal.
- Recycling, waste diversion and recovery.
- Transportation of dangerous goods.

Our pure environmental advisory work which includes:

- Advising on compliance with environmental law and on the implications of forthcoming legislation; reviewing and drafting compliance documentation for clients.
- Responding to regulatory investigations and defending against prosecutions by regulators.
- Regulatory policy development and government relations.
- Public affairs advice, to protect clients' reputation in the media following an incident.
- Licensing advice, including advising on applications for premises licences.

We work for a wide range of clients on a variety of complex environmental matters. Our team regularly forms part of broader project teams working on large projects for government. We also provide advice to government on discrete regulatory matters.

Our track record – advising:

- A **government department** on the environmental and health and safety law aspects of keeping safe a former large industrial site with a view to its redevelopment as a focus for the regeneration of an economically deprived area. The project is in relation to the make safe and keep safe of the redundant Teesside integrated iron and steel works site. Our team was chosen from a national panel of lawyers having been identified as having in-depth specialist knowledge to deal with the complex infrastructure required to manage the safety and environmental risks on site, liaise with key regulatory agencies and provide advice and guidance to the government-owned management company in relation to on-going compliance. The team has primary responsibility for reporting to key civil servants to direct and inform ministerial action.
- A **central government department** so that it could advise ministers on the solution from the shortlist of three options for expanding runway capacity and prepared scheme for taking forward. Our team advised on environmental issues raised by the three schemes and challenges in respect of noise limitation and air quality raised by them. This advice will have been critical to the government's decision in favour of the scheme.
- The management team of a **British-based ground engineering company** across many jurisdictions with its environmental and compliance needs, including producing a comprehensive, yet readily understood, guide on key environmental issues and obligations. We have produced such a guide for the UK and will be working with colleagues across many jurisdictions to ensure that differences in local law and approach are covered by the guide. DLA Piper's global reach enables this project to be carried out seamlessly.

- On the **remediation of contamination affecting the largest aquifer used for public supply in the UK**. We have been acting and continue to act for one of the persons served with the remediation notice in respect of the contamination by bromates and bromides and have also defended the company in civil proceedings relating to the contamination.

Speed read

- A experienced team that has wide, industry developed knowledge.
- Experience of advising on large, strategic projects, some of which involve the potential for large environmental liabilities



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Information Law including Data Protection Law

Introduction

In recent years we have had the opportunity to leverage our expertise for the benefit of HM Government on some of the highest profile data related projects impacting the UK public sector, as well as reforms to UK information law and policy following departure from the EU.

We take time to invest in resources that will help our clients to streamline compliance. Notable resources include **Data Protection Laws of the World Handbook** (a comprehensive online guide to global data protection laws, with 100+ country coverage), **Privacy Matters** blog (weekly updates on new developments in data protection laws), **Privacy Scorebox** (self-service privacy assessment tool) and **GDPR App** (iOS/Android app that gives searchable access to the UK and EU GDPR text). We have also developed **Transfer** (standardised methodology and country 'EEG' analysis to help carry out transfer impact assessments) and **Notify** (data breach notification assessment tool).

Our track record – advising:

- The **Department for Digital, Culture, Media and Sport (DCMS)** policy team responsible for preparation of the data protection reform bill, developing in-depth analysis of options for legislative reform of the UK GDPR, DPA 2018 and PECR, up to and including preparation of instructions to parliamentary counsel for prospective legislative text. This project represents the most significant package of reform to UK data protection policy since the GDPR.
- The **DCMS** (Brexit/International Data Transfers) public sector data taskforce responsible for 'no deal' Brexit planning and subsequently the team responsible for international data transfers (ITR) on critical projects to secure the free flow of

personal data to/from the UK following the UK's departure from the EU. This included designing the ITR manual which underpins the way the UK Government will conduct adequacy assessments of third countries and supporting the ITR team in carrying out multiple country assessments with local counsel across our international privacy team.

- **NHS England** in response to the COVID-19 health crisis we worked at pace with the team responsible for development of the NHS COVID-19 contact tracing app to integrate privacy by design principles into application design. This was a hugely ambitious project, involving the roll out of new technology, across the entire population, in a matter of months. Mitigating privacy risk represented one of the biggest challenges to the project which was under intense public and regulatory scrutiny. We worked at the highest levels of the project to identify and resolve issues with key internal and external stakeholders, to support effective delivery with high levels of retained public trust and confidence.
- **NHS Digital** for over a decade on information governance controls supporting fair collection and transfer of data within the NHS IT ecosystem, including preparing fair collection notices, drafting data sharing arrangements, aligning vendor management controls, conducting privacy impact assessment, etc.
- The policy team at the **Office for AI** in conducting an in-depth analysis of how the UK regulates AI and considerations for reform options in view of the risks posed by the emergence of increasingly sophisticated AI systems.

- The **ICO** on development of several areas of regulatory guidance, including the transfer risk assessment (TRA) toolkit; Age-Appropriate Design Code and GDPR guidance on international data transfers.
- Several authorities in defensive actions, including the **Independent Parliamentary Standards Authority** in a long running defence of a group litigation action following the inadvertent disclosure of personal data on their website. We have seen a material rise in compensation claims against public authorities for alleged infringements of data laws/loss of data etc.
- On data clauses in government short form and mid-tier contracts.

Speed read

- Routinely working at the heart of government on the most challenging privacy issues of the day.
- Deep understanding of the policy landscape.
- Global outlook.
- Confident working under pressure on high profile time critical projects (e.g. NHS COVID-app).
- Unique set of privacy law tools.
- Well known to regulators and data policy teams.



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Information Technology Law

Introduction

Our pre-eminent UK Government practice offers bench strength, insight, track record and a reputation for working collaboratively with GLD, project teams and other advisors to get the job done. We work in line with prevailing policy, using a mixture of GLS terms and call offs under CCS frameworks, including G-Cloud, Technology Services 3, DOS3 and Network Services 2.

Our track record – advising:

- **NHS Digital** with several expedited procurements in response to the COVID-19 pandemic, including providing strategic procurement advice in relation to applicable routes to market including G Cloud, Technology Services 2 and 3 and bespoke procedures. Support has included advising and negotiating the terms of key contracts relating to IT infrastructure critical to the testing, COVID App, COVID Status Certificate, NHS App and vaccination programmes whilst assessing and mitigating procurement challenge risk. As case law evolved in relation to the transparency obligations on contracting authorities, we provided further strategic advice on NHS Digital's obligations to publish contract award notices, modification notices and redacted copies of contracts post-award.
- The **Home Office** on the Emergency Services Network (ESN) programme, a replacement programme for the Airwave TETRA telecommunications network for the UK's blue-light services. The ESN is a GBP1.2bn programme, the re-set in ESN is projected to save the public purse GBP200m a year once it has fully replaced the original radio-based network, Airwave. This is a Critical National Infrastructure project and was the second most important issue on Cabinet Office's watch list. We supported HO in re-negotiating its contracts with Motorola and EE.

- The **Government of Jersey** on its largest IT procurement, a major technology and business transformation project to establish modern and effective enabling function. Uniquely for a technology project of this nature – the project is state-wide so includes all public sector services including blue light and education and public services. We advised on the systems integration contract (with services split into three phases: design, develop and deploy) and software licence, support and maintenance arrangements.
- A **central government department** on a range of projects to transform their legacy networks into a modern/agile/robust set of networks, this has included strategy for its new pan-department contracts, sensitive special projects (using the model services contracts adapted as required) and since 2018, the exit from the material incumbent contract. We have also advised on the purchase of complex physical technology materials, as well as on its sensitive re-procurement of its logistics technology support.
- A **government department** with cloud migration and hosting arrangements, together with ERP implementations and SI arrangements.
- **National Grid** with its most complex technology procurements over the last 5 years including Applications Development and Maintenance frameworks, Managed Workplace Services, Data centre migrations, inertia balancing systems and SCADA software deployment.
- A **major financial institution** in relation to its circa GBP3bn cloud transformation and outsourcing agreement, one of the largest such deals seen in the UK financial services sector.
- As part of the team that set up the original **G-Cloud** and since then have helped both customer departments and supplier organisations navigate the Digital Marketplace.

Case study – HMRC:

A key challenge for the Government's Transformation Strategy is to exit from large scale single supplier IT contracts. Having advised **HMRC** on its Columbus Programme, which involved a combination of insourcing, outsourcing and extension in a unique reconstruction of Aspire (then one of the largest single IT contract in government) we are now working with HMRC SOLS to support HMRC's Technology Sourcing Programme which encompasses the re-tender of all HMRC's IT requirements, following expiry of its prime contracts in 2022 and is using TS3 as a vehicle. We have advised the **Department for Work and Pensions**, **Defra**, the **Ministry of Defence** and the **Metropolitan Police** on comparable projects.

Speed read

- Leading global IT law advisor – we will bring you best global practice and insight.
- Trusted digital transformation advisor to UK.
- We are at the forefront of UK Government's digital transformation strategy.



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Intellectual Property Law

Introduction

We have extensive expertise in all the fields of IP licenses (including strategy and exploitation), IP in software, in data, databases and copyright, trademarks, patents, confidentiality and non-disclosure. Having advised the public sector on IP issues for many years, we are experts in the public regulatory regime as it may impact upon IP. Furthermore, we extensively advise the private sector in intellectual property matters and so bring a range of expertise and best practice knowledge to our advice.

We are constantly developing and offering innovative IP solutions, such as our online product “Database Laws of the World”, “Trademarks guide” and “Patent Litigation guide”. We have developed precedent banks and toolkits and can work with our low-cost delivery centre in Leeds to provide cost-effective solutions to government.

Our track record – advising:

- The **Department of Health and Social Care** on all intellectual property and data privacy aspects of its 100k Genome Project. This involved complex issues around permissions to use genomic material, ownership of databases and ownership of resulting intellectual property.
- The **UK Research and Innovation Centre** (which is the leading UK public grant-giver for UK scientific research) on its IP portfolio arrangements subsequent to its recent statutory re-organisation (from the old Natural Environment Research Council), and on the IP aspects of its divestiture of The National Oceanographic Centre and the Centre for Ecology and Hydrology.
- **The Coal Authority** on its digital strategy and commercialisation of its core data sets and databases. The retainer involves highly complex issues at the interface between the regulation of public data (FOI, EIR, PSIR) and intellectual property (database rights, copyright).

- An **executive non-departmental public body** with its procurement of 7 laboratory hubs. The scope of the project included advising on public procurement, data protection, privacy, IT and IP ownership issues, complicated by the multiple parties involved and different ways in which IP can be generated under this project.
- A **PtC licensee** on its largest-ever global licence deal from Porton Down, the UK Government research establishment, to the marketing and distribution of a highly-valuable cancer therapy. The licence involved complicated issues of public law as well as contract law, since the licensee is a government body, as well as a measured approach to risk that sought to balance risk between the parties.
- A **major pharmaceutical company** on the agreement for the supply of their COVID-19 Vaccine across UK and Europe. The headline contract was that with the European Commission, which was procuring Vaccine doses on behalf of the EU Member States. We negotiated three separate contracts with the EU, and over 50 separate Vaccine Order Forms with Member States. We have also subsequently assisted on the contract negotiations for the roll-out of their anti-viral product.
- The **British Antarctic Survey** around the use of its logo.
- **The University of Sheffield** on its trademark and branding strategy, and in a dispute over an extremely valuable patent licence.
- On trademark portfolio management and brand protection advice on a global basis to a leading **global beauty manufacturer** with a portfolio of in excess of 40,000 marks.
- A **leading manufacturer** in multiple cross-border litigation cases concerning the sale of counterfeit products, including representation in the largest counterfeit case in Europe.

- A European **life sciences company** with a presence in over 40 countries globally in response to a cyberattack deemed a matter of national security by the National Crime Agency (NCA) and the National Cyber Security Centre (NCSC). We advised the client and their cyber insurers on GDPR notifications; US data protection notifications (including notifications pursuant to HIPAA); non-EU/non-US data protection notifications; liaison with international criminal authorities in the US, UK, Germany and Belgium; OFAC regulations in the US and TracFin regulations in France; contractual obligations with customers; engagement of external IT service providers; press releases and engagement with key customers; and insurance.

Speed read

- Full range of non-contentious and contentious IP matters supported.
- Track record of supporting government with some of its most innovative and challenging IP issues.



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Non-Complex Finance and Investment

Introduction

With more than 150 finance lawyers in the UK, we work as an integrated practice with dedicated knowledge and skills across:

- Asset finance, debt finance, energy and infrastructure finance.
- Financial markets.
- Real estate finance, trade finance, derivatives and receivables finance/asset-based lending.

We advise on general banking matters, domestic and overseas, including loan agreements, guarantees and security arrangements.

DLA Piper's Finance team is entrusted with the most challenging, unusual and/or high value transactions for its clients. Our clients include clearing banks, challenger banks, alternative debt providers, equity investors, investment funds, corporates, offshore banks and central and local governments. We work closely with our colleagues in our technology practice to develop the law in new areas, such as FinTech and data centre funding.

We have a long track record of advising on PFI/PPP and other infrastructure financings. Our clients are frequently sponsors and funders, but we have also had important, relevant public sector roles on matters such as greenfield financings and refinancings.

Our Trade Finance and Asset-Based Lending specialists advise on all aspects of funding the supply chain, both domestically and cross-border. We advise on all aspects of derivatives, hedging, securitisation, bond issues, private placements and other debt capital markets products.

Aviation and marine financings are carried out for global clients by our specialist asset finance team, together with leasing and block discounting products.

Our track record – advising:

- The **Department of Digital, Culture, Media and Sport** in relation to the structuring of, and documentation for, the loan finance phases of the Culture Recovery Fund, transacting 30+ loans in partnership with DCMS and ACE.
- A **government department** on bespoke funding agreements to provide a financial guarantee fee to ensure the success of a one-off, extremely high-profile public event.
- **NHS England** on primary care outsourcing, involving the development of its strategic partnership with Primary Care Support England in relation to support services for all primary care providers (GPs, Dentists, Ophthalmologists etc) under a single provider framework. This delivers centralised, modernised and improved services and c£40m pa savings for reinvestment in front-line healthcare. Working with NHSE, Capita and its bank, we devised an innovative funding solution, using NHSE's credit rating, to secure a low interest £85m debt facility for Capita, secured by assigning NHSE receivables to the Bank. This is an important model for future government transformation projects.
- The **Greater Manchester Combined Authority** in relation to loans made by its £300m Greater Manchester Housing Fund, part of the city's devolution deal with central government.
- The **Department for Transport (DfT)** on the refinancing of Thameslink's rolling stock and **National Highways** on the refinancing of the M25 PFI scheme.
- The **sponsors** on the refinancing of a major healthcare PFI scheme, **Leeds Oncology**, featuring the unwind of a credit facility provided by the Department of Health in 2004 and replaced with a package of £260m of listed and private bonds featuring US investors and Assured Guarantee.
- **Halton Borough Council** on the Mersey Gateway Bridge Crossing. This award-winning, bond financed scheme benefitted

from credit support via the UK Guarantee scheme, administered by Her Majesty's Treasury.

- **University Superannuation Scheme** as purchaser of a portfolio of senior debt assets relating to merchant and PFI/PF2 green energy and energy from waste projects in connection with the privatisation of the UK Green Investment Bank.

Speed read

- Trusted government lawyers, familiar with all of the lending/guarantee/security issues which commonly arise on government projects.
- A team with real strength in depth – over 150 lawyers in the UK and part of an international finance group of nearly 800 lawyers in more than 40 countries.
- Expertise in asset finance, debt finance, energy and infrastructure finance, financial markets, real estate finance and structured trade and receivables finance.
- Clients benefit from a valuable combination of local knowledge and global insight, allowing us to handle all aspects of domestic and cross border financing and investment transactions and disputes.



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Outsourcing

Introduction

For our government clients we combine the heft and knowhow of one of the leading outsourcing advisory firms (selected for the *2021 Best of the World's Best Outsourcing Advisors* list by the International Association of Outsourcing Professionals) with a multi-decade track record in government outsourcing. To supplement our regular tools of the trade (the Model Services Contract (we wrote early versions), the Sourcing Playbook and related Guidance), we have developed our own Ascendant methodology adapting our global sourcing methodology to a UK Government context, with bespoke tools, trackers and ready-made schedules.

Whatever the subject matter (first/second/third+ generation outsourcing, BPO, F&A, technology) we can guide Panel customers on what is “on market” and what will work.

Our track record

- **Disaggregation and supply chain revolution:** The story of the last decade as clients have moved way from monolithic prime contracts to disaggregated supply chains. We have guided clients such as **Ministry of Justice (MoJ)**, **MOPAC**, **Defra**, **HMRC**, **NHS Digital** and the **Ministry of Defence (MoD)** throughout their journey. We have dealt with exit, transition, insourcing, collaboration models, and routes to market including frameworks and calls for competition, developing a unique set of solutions for clients breaking the habit of a lifetime. An example is our detailed analysis of past disaggregated procurements gathered through client interviews and setting out lessons learned and shared with clients through workshops to help them develop a model that works for them.
- **Outsourcing in a time of COVID:** Since the outbreak of the pandemic, we have acted for the **Department of Health and Social Care** and latterly **UKHSA** on a range of COVID-19

related outsourcing matters including time sensitive, complex & high-profile mandates, all vital to the UK's response. This has included advising on the contracting of outsourced contact centre services for **NHS Test and Trace**, recruitment process outsourcing, warehouse management arrangements, and the outsourcing of services to support the various IT platforms supporting NHS Test and Trace.

- **First and second generation outsourcing:** Whilst many outsourcings are now multi-generational, there are still some first-generation outsourcings coming to market. An example is the Armed Forces Recruiting Programme, which will entail the first generation outsourcing of recruitment services by the Royal Navy and RAF alongside the second generation outsourcing by Army of its Recruiting Partnering Project awarded to Capita. We have been working with the **MoD** from the outset as it goes from market engagement, through requirements development into contract development and, in due course, dialogue.
- **Restructuring outsourcing contracts:** Long-term partnering contracts sometimes needs restructuring. We are often called upon by clients such as **MoD**, **NHS England** (NHS Primary Care Services) and **Home Office** (ESN) to step in and support the delivery of “re-set” contracts, working from agreement in principle through to the detailed stage of contract modification or restatement. This requires a strategic approach, an attention to detail and an element of dispute management to address historic performance issues and ensure options are kept open.
- **TUPE:** We are very familiar with the Model Services Contract schedule 9.1, COSOP and the application of TUPE in a central government context and can help Panel customers in whichever way suits, mindful of GLD's retained responsibility in this area. For example, our work on **HMRC's** Columbus and Technology Sourcing Programmes required us to work alongside

GLD lawyers whilst in other cases such as the **NHS England** Primary Care Services first generation outsourcing, we provided the main advice on TUPE.

- We often come across connected outsourcing arrangements. For the **Ministry of Justice**, we devised one of the first dynamic procurement systems under PCR 2015 to provide a flexible route to purchase education services for the English prisons. This required interpretation of novel rules and drafting of bespoke contracts and procurement documents. In parallel we helped create a series of 17 interlocking national framework agreements and associated call off contracts to outsource the provision of core education services. We were able to use newly created template contracts (that we had just drafted for Cabinet Office) and brought in our experience of weaving these contracts together.

Speed read

- Advised on a number of Government's most strategic projects.
- Multi-strand, fast paced deals requiring innovation – a DLA Piper strength.
- World class expertise delivered locally to HMG utilising cost-saving innovative tools.



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Partnership Law

Introduction

Our multi-disciplinary team of partnership law advisors are drawn from our Corporate, Commercial, Employment, Real Estate, Funds Teams and our Litigation practice.

We advise on all aspects of partnership law and on all types of partnerships. Of particular interest to government are the structures we advise upon for projects (often LLP's) and for the holding of real estate and fund assets. Our market-leading limited partnership team has significant experience of advising upon limited partnerships as investment and asset holding structures.

Our track record

Non-contentious Partnership Law

- We advised upon the creation of a **public services laboratory** (PSL) which, in essence, was a public/ private sector joint venture to create an innovative hub designed to provide SME's with training and support in bidding to the public sector for services contracts. This was in recognition of the difficulty faced by many SME's in bidding for government work in comparison with larger service providers with significant resources. Our advice covered advising on the most appropriate structure for the ventures, establishing the LLP, drafting the LLP Agreement, advising on funding and the application of the Public Contracts Regulations 2015.
- We advised a **UK healthcare institution** on the proposed establishment of a joint venture with a UK university, to be established as an English limited liability partnership, which will invest in technology projects in the UK.

- We advise regularly on the establishment of partnerships for the provision of professional services (accountancy, legal, architectural etc). By way of example, we recently advised upon a **management buy-out of an LLP** and continue to provide partnership and other day-to-day advice following completion.
- Advising a **UK real estate manager** on the establishment of its co-investment platform, which is structured as an English limited partnership, and its employee investment fund, which is structured as a Scottish limited partnership.
- Advising a **global real estate investment manager** on the establishment of two private equity real estate funds, each of which is structured as an English limited partnership.
- Advising a **UK asset manager** on the restructuring of its GBP89 million student accommodation fund, which is structured as an English limited partnership, including advice about the European Union Alternative Investment Funds Managers Directive.
- Advising **institutional investors**, such as sovereign wealth funds, pension schemes and development finance institutions, on their fund investment programmes, including investments into English and Scottish limited partnerships

Contentious Partnership Law

- We advise in respect of disputes arising in relation to LLP's; partnerships established under the Partnership Act 1890; Limited Partnerships, insolvency and expulsion matters. We advise at an early stage to help manage the dispute, as well as throughout the litigation process, including mediation, arbitration, expert determination and High Court proceedings. Examples include:

- Acting for a **partner in a substantial solicitors' practice** following an attempted expulsion in breach of the Partnership Deed and obligations at common law. Proceedings were issued in the Chancery Division and ultimately settled on confidential terms.
- Acting in respect of a **partnership dispute** arising following the acquisition of a business involving allegations of misrepresentation and a dispute regarding the appropriate forum for the issues to be heard between arbitration and Court proceedings.

Speed read

- All aspects of the requirement covered.
- Strength in depth in advising on LLP's as project vehicles.
- Strong track record in use of limited Partnerships.
- Expertise in all aspects of partnership law, including dispute resolution.



Sarah Bell

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Pensions Law

Introduction

With over 20 years of experience of being involved in large infrastructure projects, dealing with all aspects of pensions, acting for contractors and suppliers, we have in depth knowledge, appreciation and experience of supporting clients.

We understand the issues/risks arising in relation to pensions, agreeing and implementing pension strategies into the procurement and documentation processes of projects and advising and supporting in contract management during service delivery.

Our track record – advising:

- **Transport for Greater Manchester (TfGM)** on its initial considerations on pensions in relation to bus franchising, advising on the complexities of existing operators participation in the LGPS and/or broadly comparable pension schemes, the implications of pensions in any procurement exercise (considering the objective to allow stakeholders to be competitive and be able to tender) and the risk exposures relevant to TfGM.
- **Merseytravel** on the pensions implications of its arrangements for new rolling stock and service support including negotiation and drafting of relevant documentation for a new section of the Railway Pension Scheme.
- **Crown Commercial Service** on the pensions aspects of the drafting of the Public Sector Contract, the template contract that CCS use for their framework contracts.
- The **Ministry of Justice** on the pensions aspects of the establishment of a framework and DPS contract for prisoner education services. These multi lot and multi supplier frameworks require terms that can be market acceptable and a lot of co-ordination to manage a complex and interlinking suite of documents.
- **Birmingham City Council** on the pensions aspects of the structure and management of the procurement of a key PFI sub-contractor, on the Birmingham Highways Maintenance project.
- **GLD Employment Team** to review the government's outsourcing contract which involved producing standard wording to comply with Fair Deal in respect of all the public sector pension schemes.
- A **quasi-public utility provider** in Scotland on its IT outsourcing. This addressed the pensions issues arising from transferring employees pursuant to the Transfer of Undertakings (Protection of Employment) Regulations and the associated pensions funding requirements.
- The **Department of Transport (DfT)** in respect of pension issues on the transfer of rail franchises including a review of the franchise agreement and deed of participation to ensure continued participation.
- The trustees of six Groups of the **Electricity Supply Pension Scheme**, including the National Grid Electricity Group and the E.ON UK Group (each circa GBP4bn assets). These are sections of the industry-wide Electricity Supply Pension Scheme. Each of them is open to accrual (closed to new entrants). We provide day to day advice to the trustees on a wide range of matters.
- **Cabinet Office** on the creation of Shared Services Connected Limited – a joint venture between the Cabinet Office and Sopra-Steria. We worked very closely with Government Legal Department in advising on New Fair Deal and inputted into the process and the drafting of the provisions which gave effect to one of the first private contractor participations.

Speed read

- We have advised Government departments on standard positions and documentation relating to the pensions aspects of large scale outsourcing projects, including the Ministry of Justice, Cabinet Office and Ministry of Defence.
- We have successfully acted for suppliers entering in to similar contracts.



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Planning Law

Introduction

DLA Piper is a preeminent firm in advising the public sector on high profile planning policy and projects. We advise across government in relation to projects under the Town and Country Planning Act 1990, Planning Act 2008 and others. Our lawyers advise on policy (including national policy statements and spatial strategies), strategic environmental assessment, environmental impact assessment, habitats assessment, development consent orders (DCOs) authorising development and planning applications. We defend judicial reviews and statutory legal challenges.

Our track record – advising:

- The **Department for Transport** (DfT) in relation to proposals for increased airport capacity in the South East of England. We advised on the wording of the Airports NPS to secure delivery of expansion in an environmentally acceptable manner. We advised on strategic environmental assessment, habitats regulations and the provisions of the NPS requiring further assessment and on a public consultation. We advised on a blight agreement to pass liability for blight payments following designation of the NPS and a relationship framework document designed to hold the promoter to commitments made and to manage the government relationship following designation. We were involved in the successful legal defence of the decision to designate the NPS.
- **High Speed 2** in relation to planning, compulsory acquisition and property matters in relation to Phase 1 of the project, which extends from Euston to Curzon Street in Birmingham. HS2 has put in place a scheme whereby homeowners (including owner-occupiers of agricultural/commercial properties) can claim for the effect of the project on their properties based upon proximity. We advise on complex compensation claims, certificates of appropriate alternative development, powers available to HS2 and discharge of environmental obligations.

Case Study – Highways England:

Highways England's assets in the North of England require upgrade, managing environmental and carbon impacts, as well as meeting modern standards. DLA Piper has promoted projects in this region by DCO applications under the Planning Act 2008:

- The A1 Birtley to Coal House scheme, which entails the realignment of the A1, major earthworks, the removal of an existing railway overbridge and re-siting of overhead line equipment, works in the green belt, interface with the Bowes Railway scheduled monument and relocation of an existing high pressure gas installation. Optionality is to be preserved in the application to enable ground conditions to be managed in an area with much previously developed land; and
- The A1 Morpeth to Felton and A1 Alnwick to Ellington schemes. These two schemes will result in the dualling and realignment of the existing A1 in sensitive ecological areas, enhancing accessibility for many residents and businesses, whilst maintaining access to others which will be affected by the road realignment. Interfaces are with airfields and statutory utilities.

Our role includes identifying particular hot-spots for consultation and where consultation requires an increased effort; drafting the relevant DCOs, advising on EIA and other assessments; and drafting the case for compulsory acquisition in light of the differing business cases applying for each location.

Case Study – East West Rail Company:

Established by the **Secretary of State for Transport** to bring forward a new railway linking Oxford and Cambridge, catalysing delivery in the Oxford Cambridge Arc. The main components of the project include the completed upgrade of the railway from Oxford to Bedford and a completely new railway from Bedford to Cambridge. Our advice includes:

- Advising on the programme and statutory steps required for a development consent order application for the Central Section.
- Option selection, back-checking previous selection of options and considering strategic environmental assessment and Habitats Regulations Assessment considering litigation about the proposed Oxford Cambridge Expressway.
- Reviewing and contributing to consultation documents for an informal public consultations in 2019 and 2021.
- Advising on key environmental constraints such as natural/ecological designations and possible interactions with Grade 1 Listed buildings and parks/gardens.
- The economic and housing related case for the project and its evolution and establishing procedures in relation to freedom of information and environmental information regulation requests.

It is expected that the project has been subject to an application to the Secretary of State under s.35 Planning Act 2008, allowing it to be promoted under a DCO. We are also advising on that process.

Speed read

- Prevailed in some of the highest profile judicial reviews, including that against the Airports National Policy Statement and on housing land supply in the Hopkins Homes case.
- Supporting confident optioneering and key decision making.



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Projects/PFI/PPP

Introduction

The UK Projects team is an award-winning team of specialist lawyers which advises on market-leading energy and infrastructure projects in the UK and internationally.

The team has a track record of successfully delivering first-rate legal services in various sectors including defence, transport, renewables, nuclear, and social infrastructure. Our lawyers understand the commercial, strategic, technical, geographical and political factors that shape and impact these sectors, as well as the commercial issues and risks inherent to such sectors. Our team of dedicated and friendly lawyers strives to deliver the best advice for each project by applying high-quality technical legal know-how, sector knowledge, and specific geographical insight.

The team appreciates the government's policy considerations and strategies, which provide important context and will affect the commercial terms and structuring of energy and infrastructure projects going forward (including, for example, in respect of climate change and the energy transition, sustainability, and the Levelling Up agenda). Recognising the fast-paced and changing world we live in, our lawyers embrace radical change to ensure that we continue to provide cutting-edge legal services in relation to the new, innovative and bespoke projects of the future. The team recognises that each project and each client is unique, and endeavours to provide value-adding services accordingly.

Having advised for almost 30 years and across various key industry sectors, in developed and emerging markets globally, our Projects lawyers have depth and breadth of experience in providing a full and aligned service to clients in relation to large-scale, complex infrastructure projects. The team brings experience from all sides of the negotiation table – procurer, contractor and financier.

Our lawyers have extensive experience of advising throughout the project lifecycle; from procurement to construction and operation

and right through to handback. The team is there for clients from the inception of a project to advise on procurement strategy and procedure, funding models and bankability, contracting models (including traditional PPP models such as BOOT and DBFM, and emerging models such as MIM and new uses for RAB), commercial structuring, risk allocation and contractualisation. We also have experience advising on feasibility studies and business cases as well as on obtaining approval/consent from various stakeholders. The team has “on the ground” experience supporting clients during construction and operational phases, including in relation to variations, refinancings, potential operational issues, financial distress and disputes.

Given the impending wave of projects which are likely to be handed back soon, the UK Projects team has been proactively preparing to support clients in this respect by, amongst other things, carrying out an industry consultation prior to publishing its handback recommendations.

Our track record – advising:

- The **Department for Transport** on the high profile, multi-billion-pound Heathrow Expansion programme in relation to the new runway at Heathrow and associated cargo, terminal, rail and road surface access schemes.
- **National Highways** in relation to the GBP7bn Lower Thames Crossing project, the most ambitious road scheme project in the UK since the M25. The tunnel beneath the River Thames will be the largest road tunnel in the UK, with a cost of circa GBP2bn.
- A **central government department** on its GBP1.6bn procurement of three new maritime vessels. This included advising on the procurement and evaluation process, and on large and complex maritime contracts, against a challenging timetable and applying market positions to facilitate a deliverable contractual and commercial solution in an international market.

- **Birmingham City Council** on the GBP2.7bn Birmingham Highways PFI Project.
- The **Department for Transport** on the GBP1.4bn Thameslink Rolling Stock Project.
- **UK Infrastructure Bank** on its first private-sector transaction, providing financing to the initial seed assets of NextEnergy Capital's subsidy free solar fund – comprising two major subsidy-free solar farms in the UK.
- The **Ministry of Defence** on its procurement of various infrastructure requirements forming part of circa GBP470m infrastructure development programme at a military base in Scotland.
- **Sellafield** on procuring works, goods and services over more than 100 procurements in the last 3 years. We regularly advise on the development of procurement strategies, the drafting of procurement documents and the production and negotiation of commercial contracts.
- **Seven local authorities** (comprising Hartlepool Borough Council, Darlington Borough Council, Middlesbrough Borough Council, Redcar & Cleveland Borough Council, Stockton-on-Tees Borough Council, Newcastle City Council and Durham County Council) in relation to their joint procurement for the design, build, operation and financing of an energy from waste facility in the Tees Valley.



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Projects/PFI/PPP

Case Study – Welsh Ministers:

The benefit of having a 360° understanding of issues faced by different parties, wide market knowledge and significant experience on operational projects enabled us to secure the best outcome for the client.

A465

DLA Piper advised the **Welsh Ministers** on the GBP1.14bn project to design, build, finance and operate Sections 5 (Dowlais to A470) and 6 (A470 to Hirwuan) of the A465 road in South Wales (A465 Project) which completed in October 2020.

The project included the development of a new form of model contract. Under the new Public Private Partnership (PPP) delivery model for Wales, the Mutual Investment Model (MIM), the A465 Project:

- is the first Roads PPP project to be procured and completed by the Welsh Ministers;
- is the first privately financed PPP project of this scale to be completed in the UK since the outbreak of COVID-19;
- is the first UK privately financed PPP project of this scale to be completed virtually;
- is the first UK PPP project in procurement to address the impact of COVID-19 and future epidemics/pandemics;
- is the first privately financed UK PPP project to address Labor transition and the impact of Brexit;
- will provide GBP400m of direct spend in the Welsh economy; and
- guarantees a minimum investment of GBP10m in community benefit initiatives.

The project, for which we drew upon our existing experience in the Roads PPP market, has provided DLA Piper with unique insight into the current UK Roads PPP market, latest project financing terms and market positions on project risks.

“The team’s experience, quality and delivery have been essential to the A465 Project, they have been excellent.”
– Matt Enoch, Arcadis (Former Welsh Government A465 Project Director).

Welsh Education Partnership Strategic Partnering Delivery Model

DLA Piper also advised the **Welsh Ministers** on the procurement of the Welsh Education Partnership Strategic Partnering Delivery Model for the delivery of education and community facilities in Wales.

Our role also included the development of the tailored Template MIM Project Agreement, overarching Strategic Partnering Agreement (including the Template Education D&B Agreement, Template WEPCo Shareholders’ Agreement and Template Project Co Shareholders’ Agreement) and a suite of procurement documents (the SQ, contract notice, descriptive document and ITPDSB). During the project development stage, market engagement and the competitive dialogue procurement, our approach has been to support the client team with an open-minded commercial assessment of bidders’ proposals and guardianship of the standard form, on a value for money basis.

“The team are very commercially focused and have a strong grasp of the relevant policy and political context in Wales.”
– Zoe Watters, Partner, PWC

Velindre Cancer Centre

DLA Piper advised **Welsh Ministers** on the procurement of the design, build, finance and maintenance of the Velindre Cancer Centre MIM project. We have also played a key role developing contracts that embrace innovation in the accommodation sector. For example, we have worked in partnership with technical advisers to develop more robust handover and commissioning procedures, Building Information Modelling protocols and Energy modelling and testing provisions.

We have worked with the client to align the project and procurement documents with the legal, political and constitutional context of providing services to the Welsh public sector. This can be demonstrated through the implementation of Welsh policy, including in respect of project bank accounts in a revenue context, community benefits and the Ethical Employment Code.

“The team were instrumental in guiding our success in developing the MIM model to take account of policy drivers, good practice, learnings from past projects as well as emerging statistical classification issues. Always providing sound and pragmatic advice they were integral members of our team.”

– Janie Chesterton, former MIM Transactor.

Speed read

- We advise on some of the most high-profile projects in the UK and internationally.
- Part of an international Projects group of 200 with depth of resource at every level.
- Global footprint – as well as in the UK, we advise on the development of infrastructure and energy projects in both developed and emerging markets around the world.

Public Law

Introduction

DLA Piper has in-depth experience of advising public and private sector clients on high-profile, complex and novel public law matters in connection with central government, NDPBs and the devolved administrations. Our expertise covers the full range of contentious and non-contentious public law advice, including advising on defensible decision-making (e.g. developing policy, consultation requirements, compliance with duties under the Human Rights Act 1998 and the Equality Act 2010), governance matters, parliamentary scrutiny and accountability, drafting legislation, and conduct of public law litigation (for both claimants and defendants).

Our track record – advising:

- The **Department for Transport** (DfT) in relation to developing policy around sustainable aviation fuels (“SAF”). DfT instructed DLA Piper to advise on its **public consultation** concerning a SAF mandate, i.e., a requirement for a specified minimum amount of SAF to be used on flights. We provided a range of public law and **subsidy control** advice on the draft consultation paper as it developed. This included completing a full review at pace bringing in a range of public law, environmental and aviation expertise. This facilitated the Minister’s and DfT policy goals whilst meeting DfT’s consultation requirements. We won praise from our clients for the speed of our delivery and the ability to mobilise and co-ordinate an expert team quickly.
- The **Department of Health and Social Care** (through NHS Test and Trace) and the UK Health Security Agency on contracts created at speed and scale in response to the COVID-19 pandemic. DLA Piper has been instructed by DHSC and UKHSA to provide a range of public law advice including advice relating to **judicial review litigation**. In particular, we have provided support (including through dedicated secondees) to manage

much of the litigation brought by the Good Law Project, a high-profile public interest campaigning group. This included providing advice, e.g. in relation to the **duty of candour**, and support in respect of challenges concerning the so-called ‘Moonshot’ and the Deloitte LLP contract awards. As a result, this litigation was either unsuccessful and/or did not result in any disruption to the delivery of the UK Government’s efforts to tackle the COVID-19 pandemic.

- The **Department for Digital, Culture, Media and Sport** (DCMS) on the **legal and policy proposals** underpinning the Data Reform Bill, which the government intends to lay before Parliament in 2022. This work has included providing public and constitutional law advice concerning the functions and role of the Information Commissioner and the UK’s obligations under UK GDPR, and advising on **options for legislative reform** directed at improving and enhancing those functions. We supported DCMS in all stages of the development of policy, and subsequently supported DCMS in turning its policy proposals into a **draft legislative framework**, as reflected in instructions for Parliamentary Counsel in order to prepare the Bill.
- **DfT** in respect of specialist litigation strategy advice relating to the implications of the Court of Appeal’s judgment concerning various alleged public law failures by the Secretary of State in relation to the Heathrow Airport Expansion: R.(oao Plan B Earth) – v – Secretary of State for Transport & Others [2020] EWCA Civ 214. This instruction arose from our ongoing work for the DfT in respect of Heathrow Airport expansion, which has included public law advice in respect of the Airports National Policy Statement.
- The **Independent Parliamentary Standards Authority** has instructed DLA Piper in respect of a number of public law matters including in relation to **amendments to the Scheme** for MPs expenses (“Scheme”) to facilitate, amongst other things, emergency support funding for COVID-19 and parental leave. We provided

advice on IPSA’s powers under the relevant statutory regime and the extent to which IPSA was required to consult prior to making changes to the Scheme. This included advice on **constitutional law, parliamentary privilege**, and on **resisting judicial review challenges** to Scheme amendments. Our advice enabled IPSA to implement changes to the Scheme at speed (a key policy goal) without any successful judicial review challenge.

- Various **public bodies** (in the UK and abroad) have instructed us in respect of the **drafting of legislation**. This has included drafting entire civil codes for sovereign governments and advising on consultation requirements in respect of such instruments. Relatedly, we have been instructed by various entities, including for example Highways England, to draft (and subsequently promote) quasi-legislative instruments such as development consent orders.

Speed read

- Expert public law practice, strongly linked to Dispute Resolution and Litigation and Public International Law.
- Full range of expertise at all levels, including advising on defensible decision-making.
- Our practice consists of lawyers with extensive relevant experience and includes those with experience of working for Government departments and GLD.



Emma Dowden-Teale

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Public Procurement Law

Introduction

Over the last four years we have worked on some of the most innovative and complex public procurements in the UK. Our non-contentious and contentious teams adopt a risk-based and holistic approach, dealing with procurement risk through its lifecycle from business case to award (including challenge) and regulatory advice associated with contract change. In the past 24 months we have been asked by **GLD** to support the conduct of public procurement litigation, whether on the record or indirectly, with very positive results. Our collaboration has extended to developing (along with GLD and other law firms) PPNs and guidance to support the public sector's response to COVID-19, following this up with seconding one of our team into a role as **Head of Public Law in NHS TTT**.

We work closely with clients to develop policy and translate the latest policies on Social Value and Carbon Reduction plans into workable and meaningful procurement outcomes and providing thought leadership on the Green Paper.

Our track record – advising:

- **FCDO** on the procurement, at speed, of the contracts that were required to deliver the G7 and COP26 Conferences. This involved the provision of practical procurement advice on the use of frameworks, developing procurement strategy, analysing and mitigating procurement risk and managing suppliers.
- The **Department of Health and Social Care** and **UKHSA** on a range of COVID-19 related matters including time sensitive, high-profile mandates, all vital to the UK's response. This has included advising on the procurement of contact centre services for NHS Test and Trace; procurement advice on many contract extensions and direct awards; award/negotiation of call off

agreements following further competition procedures, procuring SAAS services related to the deployment/development of the contact tracing system platform; negotiating consultancy arrangements underpinning the T&T response; contracts to support genetic sequencing, R&D agreements and variations and extensions related to antigen/antibody LFD test read image recognition technology; and advising on prospective public procurement challenges arising from DHSC/UKHSA competitions.

- A **non-departmental public body** with several expedited procurements in response to the COVID-19 pandemic, including providing strategic procurement advice in relation to applicable routes to market including G Cloud, Technology Services 2 and 3 and bespoke procedures and assessing and mitigating procurement challenge risk. As case law evolved in relation to the transparency obligations on contracting authorities, we provided further strategic advice on obligations to publish contract award notices and redacted copies of contracts.
- **National Highways** (Lower Thames Crossing) on all procurement aspects of this a £7bn investment in the UK's road network and one of the largest bored tunnel projects in Europe. We have supported the evolution of the procurement strategy for the main works contracts (involving a mix of CD and CPN) into detailed drafting of the ITPD/ITT documentation and award criteria. We have dealt with related events and the emergence of government policy on social value, supplier payments, Carbon Reduction and supply chain. At each stage we provided compliance assurance to DfT.
- The **Department for Transport** (DfT) on the 2019 Rail Franchising Litigation, one of the most complex and high-value commercial UK public procurement claims litigated to date.

The litigation concerned the allocation of pension risk liabilities in respect of several rail franchise competitions. The successful defence meant that DfT avoided significant financial loss in the form of damages.

- **HMRC Technology Sourcing Programme:** We continue to work with SOLS in relation to HMRC's procurement strategy relating to the expiry of the HMRC's prime contracts with its suppliers in June 2022 and the transition to a refreshed supply chain for the one of the largest technology estate in Europe. This involves advising on extensions, direct awards, use of frameworks, competition strategy and structure and mitigating procurement risk along the way.

Speed read

- Deep procurement capability in the defence, infrastructure, technology, services, healthcare and nuclear energy sectors.
- Our approach is collaborative, usually working hand in hand with GLD colleagues.



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Real Estate and Real Estate Finance

Introduction

DLA Piper's Real Estate team has considerable experience in advising government clients. With seven offices in the UK, including Scotland, we are also well placed to advise globally.

We are an acknowledged centre of excellence, providing fully integrated property advice, ranging from non-contentious transactional real estate advice (sales, lettings, acquisitions, grant of easements/wayleaves), including development work, to contentious work, and advising on all aspects of formal lease renewals and lease terminations, such as the service of section 25 and section 26 notices and the exercise of break rights.

We have specialist property tax lawyers and public procurement specialists who have advised on regulated public procurements via the different procedures.

Our track record – advising:

- **United Kingdom Research and Innovation** on the property aspects of the UK Geoenergy Observatories project, which aims to stimulate research on underground energy technologies.
- **United Kingdom Research and Innovation** in respect of two research centres funded by UKRI becoming private companies. The National Oceanography Centre and the UK Centre for Ecology and Hydrology now operate as research facilities funded by UKRI.
- **Medical Research Council** on the decommissioning and subsequent sale of the former National Institute for Medical Research to Barratts. The site was being developed for residential housing and Andrew advised in respect of the overage arrangements which apply to the site.

- **Homes England, Network Rail, City of York Council** and the **National Railway Museum** in connection with arrangements agreed with the Trustees of Leeman Road Millennium Green to facilitate the intended York Central development, which is the largest redevelopment/regeneration scheme in Europe.
- **The Maritime and Coastguard Agency** on its Scottish property portfolio which includes a number of industrial units and cabins, in many remote and coastal locations.
- A **regulated Authority** in the acquisition of a site in Scotland which it was critical for them to acquire in order to provide environmental mitigation in relation to another client site in the vicinity.
- **National Highways Limited** in response to protests by Insulate Britain which began in September 2021.

“Very well done to you and all the team, an excellent result”
— Tim Reardon, General Counsel.

“A job well done, we are really happy”
— Helen Ramsden, Department for Transport.

Speed read

- Large UK team, with expertise in England and Scotland.
- Full service real estate team with considerable bandwidth.
- Includes real estate finance and tax specialists.



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Restructuring/Insolvency

Introduction

Our Restructuring Group is one of the largest in the world. We act for a diverse range of stakeholders, including debtors, lenders, shareholders, directors and investors. We have a strong track record advising government and other public sector bodies in the UK, as well as overseas. Our advice covers all matters relating to companies in underperforming and distressed situations, managing assignments from the mid-market to the largest and highest profile national and international restructurings and insolvencies, including investigation, enforcement, litigation and asset recovery, on a multi-jurisdictional basis.

We have provided strategic training on insolvency for a number of government departments. This has covered the key aspects of insolvency procedures and ensured robustness.

Our track record – advising:

- **DHSC, UKGI** and the **CQC** on contingency planning for a potential failure of one of the largest adult social care providers in the UK (US\$6bn debt). Our DLA Piper UK offices worked with offshore relationship firms – ensuring that advice was cohesive and joined-up – to ensure any risk to continuity of care for vulnerable adults was mitigated.
- On multiple reviews for **government departments and NDPBs** of supply contracts and/or financial structures of suppliers, including taking security. These are undertaken to ensure financial stability, continuity of supply in the event of default and preserving the financial and commercial interests of government.
- The **Official Receiver** to advise directors of the 400+ subsidiary **Carillion group entities** considering the insolvent liquidation of the parent entities.

- The **Joint Administrators of Greensill Capital (UK) Limited** on unwinding complex securitised supply chain finance structures internationally.
- The **Joint Administrators of NMC Health plc**. Possibly the largest global COVID-19 failure, the former FTSE100 company NMC had, prior to a \$5bn fraud, been the largest private healthcare operator in the Middle East, as well as having undertakings in multiple jurisdictions. Our headline role on the matter as lead legal advisers to Alvarez & Marsal has involved a multi-disciplinary and multi-jurisdictional team of over 120 lawyers advising on debt mapping, corporate and debt restructuring, distressed asset sales, data protection, investigations, litigation and employment issues.
- The boards of various entities within the **Deep Ocean Group**, in relation to the third ever Restructuring Plan (and the first to utilise the “cross class cram down”).

Case Study – Bristows:

We advised the UK and other non-US subsidiaries of **Bristow Group**, the world's leading industrial provider of helicopter transportation and search and rescue services, across multiple jurisdictions on the restructuring of the US listed parent company and the group.

The key focus of the project was the group's billion-pound contract as the sole provider of Search and Rescue (SAR) helicopter services across the UK. The strategy for the restructuring of the group was driven by a commitment to ensure continuity of SAR to avoid significant detriment to UK citizens. For that reason, we were responsible for ensuring stakeholders including the Department for Transport, Civil Aviation Authority and Maritime and Coastguard Agency were involved in the process and their concerns dealt with.

Our advice allowed the successful completion of a high value/complex transaction (including the restructuring of debt in excess of US\$1.6bn) in the context of a project of exceptional innovation and complexity, with multiple public sector stakeholders. Transaction delivery was particularly complex given the number of jurisdictions and group companies, competing stakeholders and the mission-critical need to maintain SAR services during the restructuring. We advised on strategic planning on the use of different insolvency tools, the implementation of a US Chapter 11 restructuring, the preservation and solvency protection of the UK an international subsidiaries and their contracts during the restructuring.

Speed read

- A large and dedicated UK-wide and global team.
- Over 50 dedicated specialist lawyers across the our UK offices, including 12 partners and 7 legal directors
- Proven track record of dealing with very large, high profile and complex restructurings.
- Strategic advice maximises recoveries and minimises risk.
- Geographic spread (national and international) means that focused local advice can be given where needed.



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Retained EU Law and EU Law

Introduction

We have extensive experience in EU regulatory work throughout the UK and EU offices of DLA Piper. We are an all-services law firm, and EU law informs almost every sector in which we advise, notably product liability (health and safety, environment), technology, competition, trade, employment, energy, financial services, procurement, life sciences, manufacturing, media, sport and entertainment, data protection, taxation, sanctions and export control.

For each of these sectors we can cover both non-contentious and contentious advice in the UK and EU.

UK

Our Global Trade and Regulatory Affairs (GTRA) team in London specialises in post-Brexit regulatory advice under Retained EU law and the Trade and Cooperation Agreement (TCA), working closely with DLA Piper's sector specialists. This is led by Paul Hardy, who is a former EU civil servant and senior EU legal adviser to the Commons and the Lords. Paul joined the firm in 2017 as the Brexit Director. He specialises in post-Brexit regulatory advice.

EU/Europe

Our Global Government Relations (GGR) team in Brussels has significant EU policy and regulatory experience, supported by the wider Belgium firm and the European network of offices. This is led by Richard Sterneberg, who joined the firm in 2020 after 25 years of government affairs in Brussels. GGR specialises in Tech, FMCG, Healthcare, Agriculture and sustainability. They have an excellent network of contacts throughout the European Institutions and beyond.

With over 100 lawyers, our DLA Piper office in Brussels is an all-services office with strong expertise in commercial and regulatory EU law. They are well-versed in managing complex legal, regulatory and policy files with an EU dimension. Regulatory lawyers and the GGR team work closely together in providing advice to clients.

Our track record

In the UK, we regularly advise clients on:

- Retained EU product and labelling rules.
- Retained EU food law.
- Workers' rights and immigration rules under the TCA.
- Rules of origin under the TCA.
- Modes 1-4 services supply from the UK to the EU in service sectors.
- Post-Brexit procurement rules.
- Retained data protection rules.
- Post Brexit competition and state aid requirements.
- Post Brexit customs and VAT law.
- Retained EU life sciences rules.
- The above represents a considerable amount of daily work for GTRA and sector specialists.

In DLA Piper Brussels, our Advisors have a proven track record:

- Supporting non-EU businesses and governments looking to navigate complex international negotiations and improving single market access.
- Managing regulatory risk in supply chains: Our advisors advise a series of leading international consumer goods, electronics and agri-food companies on the management of politically sensitive parts of their supply chain.

- Securing market access and mitigating political risk: Defending EU interests faced with a unilateral reduction in cod quotas in Norwegian (Svalbard) waters.
- Trade and partnership agreements: Ministry of Agriculture of a North African Country, and three separate Asian countries.
- Strategic advocacy, regulatory compliance, due diligence strategies arising from EU law.
- Reviews of submissions, contributions, position papers to the EU institutions.
- Designing legislative influencing strategies.

Speed read

- Depth of expertise in Retained EU law in the UK from providing specialist Brexit and post-Brexit advice to all sectors over the last four years.
- Depth of expertise in EU law and navigating the EU Institutions from one of the leading law firms in the EU capital.
- Ability to provide both of the above as part of a seamless service.



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Tax Law

Introduction

The DLA Piper Tax group has significant bench strength with over 300 tax lawyers and economists globally.

Our UK Tax group advises on a wide range of tax issues, including in relation to inward and outward investment, structuring for corporate and real estate acquisitions and disposals in the public and private sector, projects, outsourcing, employee compensation packages and employee benefit trusts.

The group's expertise covers all aspects of the Panel requirements, including considerable experience of advising on direct and indirect taxation and VAT.

Our track record

Corporate tax

We offer a full range of Corporate Tax advisory services, including structuring of business operations, mergers, acquisitions and reorganisations, group financing structures, IP development and exploitation strategies and the design and implementation of domestic and cross-border tax solutions.

We have advised on the tax aspects of several public sector projects, including:

- Advising on joint ventures entered into by the **Cabinet Office**.
- Advising a **consortium** in connection with the construction of a new nuclear plant.

Real estate tax

The structuring of property acquisitions, investment and development is heavily influenced by tax considerations.

We have significant experience in relation to the direct and indirect tax aspects of all types of real estate and real estate-related transactions. Advising:

- A **local government body** in connection with the extension of its local tram network.
- A **local authority** in relation to a substantial city redevelopment.
- A **group of local authorities** in relation to a VAT tribunal case dealing with the VAT treatment of sports and leisure facilities.

Vat and indirect tax

We advise on all VAT issues, including in relation to IP, real estate, financial services, cross-border goods and services, health and education and electronic services. For example:

- Advising on numerous projects relating to the acquisition and development of student and PRS accommodation, including acting for educational institutions.
- Acting for an **NHS Trust** on a VAT recovery matter relating to outsourced patient administration services and electronic patient records.
- Acting for a **non-UK national government** in relation to the introduction of VAT in its local territory.

Employment-related tax issues and Equity Incentives

We offer a wide range of remuneration tax advisory services in relation to both domestic and internationally mobile employees, providing cost-efficient value-added solutions.

We have advised in relation to equity incentive arrangements and employee share ownership in connection with “John Lewis style” mutual joint ventures created from Central Government services – advising both the private sector partner and the mutual itself.

Tax disputes

We have extensive experience advising on tax disputes involving corporate taxes, transfer taxes, employment taxes, transfer pricing, indirect taxes, operational tax compliance and international tax transparency initiatives.

Speed read

- Deep experience of all aspects of the Panel requirement.
- Experience advising both Government and the private sector.
- Large global team.



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Optional Specialisms

Aviation and Airports

Introduction

Our aviation and aerospace team works on all aviation and aerospace matters domestically and seamlessly across borders. We advise on public policy, public law, regulatory, litigation and restructuring and ESG matters as well as M&A/transactional, amongst others. Aviation and aerospace is a sector where change is constant and new and often bespoke or complex issues regularly arise – frequently on an urgent basis.

As aviation specialists we are experienced delivering business as usual requirements through to the most critical and unusual matters. No matter the challenges and your objective, the chances are that we've seen it before and delivered a solution.

The aviation industry has been grappling with a rapidly evolving business climate since the beginning of the 21st century. Driven by transformations in the global economy, patterns of travel and transport are shifting across the world, generating a rapidly growing aviation industry.

We represent regulators, governments, airlines, airports, distribution companies, manufacturers, investors, service providers – the entire aerospace service spectrum for their legal requirements.

In addition to providing transactional and litigation support, we act on behalf of clients in regulatory, legislative, labour and litigation matters before relevant regulatory bodies and other institutions.

We also have extensive experience representing aviation clients in litigation and international arbitration, including commercial disputes, product liability, tort and personal injury claims, as well as labour issues.

Our track record – advising:

- On the **Heathrow Expansion** for the **Department for Transport** (DfT). We have been advising the DfT on the project since 2015, including advising on 12 judicial review challenges, all of which were decided in favour of the DfT. We advised the Department on drafting and content of the Airports National Policy Statement (ANPS) and its underlying evidence base including strategic environmental assessment and habitats regulation assessment.
- The **government** and **regulators** in respect of the insolvency of airlines from a regulatory perspective and supported the Airline Insolvency Review as their specialist aviation counsel. This considered the way in which airline slots are dealt with when airlines become distressed and what new legal instruments might look like.
- **British Airways** in connection with a major re-organisation of its operations at Gatwick Airport, including their entire leasehold portfolio.
- A **central government department** on the procurement of a runway and associated infrastructure. This involved initial advice on the contract for the replacement of the runway and associated works. Working as part of the team we ensured key issues and risks were identified, with appropriate steps taken to mitigate risk and ensure best value for money. In addition, we supported the project team to ensure the ITT was robust from a procurement perspective. Our support and advice on this procurement anticipated the market response and resulted in realistic and strong bids for the department.
- In respect of the failure of **Monarch Airlines** and **Thomas Cook Airlines**. Our role involved litigating against the administrators, the UK regulators, airlines, and aircraft lessors in relation to the detention by Manchester Airport Group of fleets of aircraft owned by multiple counter-parties, successfully recovering airport landing charges and related debts.

- **British Airways** on global property requirements and acting on numerous transactions at Heathrow and the re-organisation of their entire property holding at Gatwick Airport. We also advise BA in respect of all on-and off-airport properties for the airline globally, providing comprehensive advice on transactional, property litigation and construction matters.
- The **Maritime and Coastguard Agency** on its contracts relating to aerial pollution spray services. This has included purchase of specialist equipment, advice on transfer of type licences, contracts for outsourcing of aviation services and related regulatory and contract advice. Our specialist aviation team provided advice on regulated aviation matters.

Speed read

- A market-leader in the aviation sector
- Particular strengths in advising on litigation, real estate (including planning), financing, major projects and procurement.
- Known for our ability to handle the largest challenges scaling up to provide both expertise and bench strength in a crisis.
- Advise both Government and private sector clients so can tailor advice accordingly.



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Education Law

Introduction

DLA Piper is active across the education sector. We combine one of the strongest public sector practices with extensive private sector experience to deliver advice on all types of reorganisation, the construction of new facilities and commercial arrangements to schools, academies and higher education institutions, particularly assisting HEIs to maximise new income streams through work with the private sector both nationally and internationally, leveraging our international office platform. Additionally, we specialise in advising education regulators.

Our track record – advising:

- **QCA** as it changed to QCDA and the new regulator **Ofqual** was born. We helped with the establishment of the new Diploma qualification, as well as advising on exam paper logistics contracts. We also advised **Ofsted** on matters ranging from schools inspections arrangements to outsourcings.
- **Ofsted** on the original outsourcing procurement of the inspectorate staff. Since then, we have acted for them on numerous matters, including the termination and insourcing of both schools and early years inspection. This included a combination of commercial, employment, tax and pensions advice. We also assisted with the creation of a new inspector role, ensuring that this is consistent with the Education Act requirements.
- On both private sector and PPP schemes and have acted on numerous major development schemes for **Nido, Harrison Street, Threesixty Developments** and **Downing Developments**.
- Education bodies in disposing of their surplus land to achieve best value for reinvestment and improvement of their retained estate. We have specialist knowledge in relation to the disposal

of sites for residential or similar development and can advise as to ways to maximise sale receipts. We are familiar with the statutory rules applying to the disposal of land designated as playing fields. This extends to securing clawback and overage on future development in order to enhance the sale price without risk to the seller.

- Several higher and further education bodies, with advice including capital development, joint ventures, governance, State Aid, procurement, employment, commercial, commercial spin-outs, technology transfer agreements, IP pipeline agreements, grant funding and pensions. We act for Universities in connection with their research and development activity and their related research facilities, including advising **The University of Sheffield** on the development of several Advanced Manufacturing Research Centre (AMRC) sites. The advanced manufacturing and research centre at Broughton, close to the English/Welsh border, is built and occupied. DLA Piper was involved in preparing, negotiating and completing the letting documents (agreements, leases and licences) between the Welsh Government (as owner of the site) and Airbus as the University's tenant. AMRC Samlesbury involves Lancashire County Council and BAE and DLA Piper has again been involved in the letting documents and various construction aspects of the transaction.
- **United Kingdom Research and Innovation** in respect of the grant of leases relating to the National Oceanography Centre including the grant of a lease to the University of Southampton.
- **West Nottinghamshire College** (WNC) on their new partnership with Nottingham Trent University (NTU), which will see the university's higher education provision delivered from the college's main campus in Mansfield. The transaction involved the production of agreements to deal with the transfer of certain

course delivery from WNC to NTU, the transfer of staff, the provision by WNC of a lease of premises at the WNC site and the documenting of the collaboration principles on which the two education providers will work together.

- **The University of Sheffield** on their EU regulated procurement of a framework of professionals to support construction projects. We advised on the type of framework agreement to propose to bidders, drafted the agreement and standard form call off agreement as well as reviewing the request for tender documents. We are lead advisers to the University on conveyancing and leasing matters and have advised on several transactions over the last year.
- On key components of the prison education reform contract set for the **Ministry of Justice**. This second-generation multi-lot procurement of education and training services for prisoners in England involves the creation (under the "light touch" regime) of a framework contract and related dynamic purchasing system. The procurement supports governor empowerment and is intended to offer a flexible and effective route to market for education services.

Speed read

- We advise upon all types of commercial transactions and the development of land held by education bodies.
- Strong student accommodation credentials.
- Active in advising education regulators, the QCA, Ofqual and Ofsted.



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Energy and Natural Resources

Introduction

DLA Piper’s Energy and Natural Resources team includes professionals in the detailed, multi-layered and often complex frameworks that apply to energy sector projects and activities. Our support is available at all stages of a project and includes project finance, operations, M&A and advice on the commercial gains that renewable projects generate. We are entering an era of unprecedented demand for power generation and transmission.

This dynamic, together with the challenges we all face from climate change, creates new opportunities for alternative energies and new technologies. We advise on all aspects of energy transition, including renewable energy, wind, solar, hydrogen, carbon markets, hydro, energy-from-waste, biomass and biofuels.

Our track record – advising:

Corporate power purchase agreements

- On all models of cPPAs, whether virtual, physical, hybrid or direct wire. We have been at the forefront of the European market for structuring and negotiating cPPAs, since working on **Google’s** first PPA (outside of the US) in 2012.
- **City of London** on the UK’s largest public sector tender to date, set to save the City Corporation approximately GBP3m in energy costs over its lifetime.
- **EY** on the first professional services corporate PPA to be signed outside of the US.
- **AB InBev** on the largest virtual PPA in the UK for unsubsidised solar.

Wind

- **NatWest** in connection with NTR’s EUR370m portfolio refinance of an operational portfolio of 12 onshore wind projects totalling 220 MW across the UK and Ireland.

- **National Grid** in the promotion of the Shetland HVDC Interconnector cable including advising on onshore and offshore consenting requirements.
- **Greencoat** on the acquisition of the 235MW South Kyle non-subsidy Scottish wind farm in Scotland from Vattenfall. At deal completion in April 2020, this wind farm is the largest unsubsidised wind project being developed in the UK.

Solar

- **Yorkshire Water** on its solar portfolio project to install solar capacity across c. 100 sites in the Yorkshire Water Estate.
- **University of Surrey** on their procurement of an on-site renewable energy solution.
- **HSBC** in respect of the project financing of a FiT accredited rooftop solar portfolio in Scotland.

Carbon markets

- On participation in the **Taskforce on Scaling Voluntary Carbon Markets**, providing expert input to the Governance and Credit integrity working groups.
- **National Grid** on the Humberside and Teeside Carbon Capture and Storage project with Shell, BP, Equinor and Total.
- **The European Commission** on sectoral approaches to carbon finance.

Hydrogen

- **ITM Power** on the establishment of a JV with Linde Group to supply of “green” hydrogen for large-scale industrial projects.
- **Funders** in the proposed development of a hydrogen plant at an existing 27MW windfarm. Pressurised hydrogen produced at the facility will be used to power buses.

Nuclear

- **Hinckley Point:** Our nuclear team are advising various parties in connection with Hinckley Point.
- **NuGen** (the developer of the proposed Moorside scheme in Cumbria) in connection with key decommissioning issues.

Case Study – Sellafield (Nuclear)

We were appointed by Sellafield Limited as sole legal advisors to advise on the procurement of a new framework arrangement for procuring works and services over the next 10 years, with an estimated expenditure of GBP1bn during this period. In order to obtain best value and to benefit from lessons learnt on the previous framework, Sellafield wanted to ensure that the contractors worked more collaboratively and were incentivised to achieve best value and other key objectives of Sellafield. Our role included ascertaining Sellafield’s requirements for the project, the issues affecting the project and developing a risk strategy with the project team along with mechanisms to ensure best value and drive ‘best in class’ behaviours through KPIs. We had primary responsibility for the drafting of the incentivisation and KPI mechanisms, along with the preparation of parent company guarantees and performance security given that contractors would be a mix of entities. In addition, we undertook an extensive due diligence exercise of the legal and technical documents involved in the project because of NEC’s reliance on the works information.

Speed read

- *Global Law Firm of the Year*, Financing Wind 2021
- The ‘go-to’ firm for power purchase agreements.
- Appointed by the UK Government as the Provider of Legal Services for the 26th UN Climate Change Conference of the Parties (COP26).



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Food, Rural and Environmental Affairs

Introduction

DLA Piper's Food, Health, Safety and Environment practice is a specialist team with a deep focus on all aspects of regulatory law. We offer innovative and practical solutions to complex problems that arise from the laws and policies governing environmental protection, (including flooding, waste and recycling, food and animal welfare), energy, natural resources, health and safety and product safety, with a particular emphasis on food safety.

We provide an integrated team that works on contentious and non-contentious matters, through the combination of numerous highly regarded specialist lawyers, a reputation for first class advice and a portfolio of major national and international clients.

We advise on:

- Compliance with SHE laws and on the implications of forthcoming legislation; reviewing and drafting compliance documentation for clients.
- Responding to regulatory investigations and defending against prosecutions by regulators.
- Product safety, food safety law and regulatory aspects of healthcare.
- Regulatory policy development and government relations: assisting clients to protect commercial interests through influencing new policies and regulations.
- Environmental permitting for waste management activities and other industrial activities that were covered by pollution prevention and control permits, water abstraction, discharge consents and anti-pollution works notices, management of contamination liabilities and remedial schemes.

Our track record – advising:

- **Defra** on their Sustainable Farming Initiative, linking to the Future Farming programme, and preparing the necessary public facing contract documentation. Following the UK's exit from the European Union, advising on the procurement of animal vaccine supplies and the Movement Assistance Scheme (the scheme for the movement of agrifood goods to Northern Ireland).
- **Defra** on the UK-wide Extended Producer Responsibility Scheme (ERP) for Packaging part of the government's published Resources and Waste Strategy. We are advising on the arrangements for delivering the ERP scheme.
- On a **highly confidential government project** in relation to the make safe and keep safe of the redundant Teesside integrated iron and steel works site. Our team was chosen from a national panel of lawyers as they were identified as having in-depth specialist knowledge to deal with the complex infrastructure required to manage the safety and environmental risks on site, liaise with key regulatory agencies and provide advice and guidance to the government-owned management company in relation to on-going compliance.
- **Unilever** on upcoming proposals in relation to sustainability and circular economy initiatives as part of the EU Green Deal package.
- A **food manufacturing client** on the application on the marking requirements for single use plastics, and how these are intended to apply in the UK now that it is no longer part of the European Union.
- A **multinational FMCG** on the incoming UK Forest Risk Rules and advising on appropriate due diligence and risk management to ensure compliance.

- A **specialist materials manufacturer** on the establishment and running of a consortium of manufacturers established for the purposes of submitting a substance registration under REACH.
- A **speciality chemicals manufacturer** on the application of the Biocidal Products Directive to one of their raw materials.
- An **electrical retailer** on submissions to the environmental regulator about when products they distribute and sell become waste and on the implications for their business of the regulator's position.
- An **electrical retailer** on its arrangements for WEEE compliance following a judicial review decision brought by a producer compliance scheme on the trading of WEEE evidence notes.

Speed read

- Specialist lawyers, highly regarded for first class advice
- We offer innovative solutions to a range of complex matters.
- Our practice covers the full spectrum of non-contentious and contentious matters.



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Health and Healthcare

Introduction

DLA Piper advises the **Department of Health and Social Care, NHS Digital, UK Health Security Agency, NHS England and Improvement, NHS Resolution, MHRA, CQC** and many **NHS Foundation Trusts** on business-as-usual contracts, disputes and transformational public/private transactions. The focus of our healthcare practice is on procurements, contracts, dispute resolution, data protection and sharing, medical devices, IR35 compliance and staff transfers.

Our track record – advising:

- The **Department of Health and Social Care (DHSC)** and **NHS Digital** on numerous IT enabled transformation programmes. Projects include the procurement of technology, contact centre, temporary staffing and networking services from the likes of CCS Technology Services 1-3, DOS, network services, HSCN access services, public sector resourcing, contact centre and G-Cloud frameworks; the termination of previously outsourced services and related transition arrangements to bring them “in-house”; licensing of Microsoft products for the whole of the NHS; procurement of hyperscale cloud services for the NHS; and the renegotiation and transition from the New National Network Agreement involving the procurement of central infrastructure, creation of frameworks and DPS and call-off agreements under them for replacement network services.
- **DHSC/NHSX/NHS Digital/NHS Test and Trace/UKHSA** on collaborations, data analytics, academic partnerships and research arrangements. As the COVID-19 pandemic has progressed, we supported the emergency procurement of technology and resources to establish the test, trace and vaccination programmes from scratch in the shortest of timescales and in the most demanding of circumstances. This has included advising on the contracting of outsourced contact centre services for NHS

Track and Trace, recruitment process outsourcing, warehouse management arrangements, and the outsourcing of services to support the various IT platforms supporting NHS Track and Trace. Since which we have provided risk assessments and mitigations, supported the defence of challenged procurements and progressively re-contracted and re-procured replacement services on a longer-term basis. Of late we have been building in and exercising ramp down, exit and transition mechanisms so contracts support government’s evolving pandemic response.

- **DHSC and UKHSA** in the defence of judicial review proceedings commenced by the Good Law Project relating to contracts for antibody tests let during the height of the COVID-19 pandemic. We have assisted in a variety of ways including in relation to disclosure and witness proofing. The dispute has become very high profile, and we have demonstrated our ability to work as a single team with GLD and the relevant government department to handle fast moving, resource intensive proceedings in an agile manner.
- **NHS England** on the development of its strategic partnership with Primary Care Support England in relation to support services for all primary care providers (GPs, Dentists, Ophthalmologists etc) under a single provider framework. This delivers centralised, modernised and improved services and cGBP40m pa savings for reinvestment in front-line healthcare.
- **Velindre NHS Trust** with obtaining an injunction to restrain direct action by protesters who wish to prevent the building of a new cancer centre on land owned by the Trust. We successfully obtained an interim injunction against both named defendants and persons unknown, which prevents persons unknown from committing direct action on both the Trust’s land and surrounding land which the Trust and their contractors need access to in order to complete their works. Alongside the claim for an injunction, and an application for an interim injunction, the DLA team successfully applied for an order

allowing for service by an alternative method. The defendants were therefore successfully served by alternative methods which included the use of social media.

- On some of the most strategic and potentially controversial data protection policies and programmes such as the **COVID App, COVID Status Pass** and **Shielded Patients List** building in privacy by design and liaising with all stakeholders and regulators.
- **Velindre NHS Trust** to advise on the procurement of the design, build, finance and maintenance of the Velindre Cancer Centre in Cardiff. This includes the competitive dialogue stage of the project, up to Successful Participant and financial close.
- **NHS Foundation Trusts** in procuring electronic patient record systems using competitive procedures and a range of frameworks. Transactions include IP exploitation, data sharing and collaboration, the procurement of IT infrastructure, overseas JVs, software licensing and related disputes and the outsourcing of pathology and other services

Speed read

- Particular strengths in advising central NHS bodies on major ICT projects, involving TUPE, offshoring, sensitive data and IR35.
- Known for our ability to handle the largest challenges scaling up to provide both expertise and bench strength in a crisis.



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Health and Safety

Introduction

Our Safety, Health and Environment team conducts integrated contentious and non-contentious work, combining numerous highly regarded specialist lawyers, a reputation for first class advice and a portfolio of major national and international clients. We are seen as trusted advisers on health and safety compliance, working with clients to help them manage risk, avoid the need for investigations and consequential prosecutions, and assist in defending companies following incidents, working closely with our colleagues in the contentious practice. We advise on:

- Compliance with environmental, health and safety, food safety and product safety law and implications of forthcoming legislation.
- Reviewing and drafting compliance documentation for clients.
- Responding to regulatory investigations (including dawn raids); defending prosecutions by regulators; aiding our civil litigation and insurance colleagues.
- Regulatory policy development and government relations.
- Public affairs advice to protect clients' reputation in the media following an incident.
- Licensing advice, including advising on applications for premises licences under the Licensing Act 2003 and other licences pursuant to the Gambling Act 2005.

Our track record – advising:

- One of the core participants in the **Grenfell Tower Inquiry**, the largest Public Inquiry constituted in England and Wales. It concerns the death of 72 people in the Grenfell Tower fire incident. The matter is highly confidential and complex, and the inquiry's initial findings have precipitated a thorough overhaul of the fire safety regulatory regime applicable to buildings

- A **central government department** on environmental and health and safety law aspects of keeping safe a former large industrial site with a view to its redevelopment as a focus for the regeneration of an economically deprived area. The project is in relation to the make safe and keep safe of the redundant Teesside integrated iron and steel works site. Our team was chosen from a national panel of lawyers having been identified as having in-depth specialist knowledge to deal with the complex infrastructure required to manage the safety and environmental risks on site, liaise with key regulatory agencies and provide advice and guidance to the government-owned management company in relation to on-going compliance. The team has primary responsibility for reporting to key civil servants to direct and inform ministerial action.
- A **central government department** on health and safety and other regulatory issues relating to its procurement of construction and refurbishment projects for an extensive property portfolio in the UK and overseas.
- The arena operator in the **Manchester Arena Inquiry** into the terrorist attack in 2017. The focus of our client's involvement has been in relation to the security measures at the Arena and its medical first aid response in the aftermath of the attack. We have managed a large and wide-reaching document review exercise amounting to many thousands of documents. Detailed attention was also required to manage our client's disclosure to the Inquiry (and beyond) including specific consideration to the operationally sensitive nature of some of the information therein. This involved close collaboration with the Inquiry Legal Team and relevant government departments over several months. We have undertaken many hundreds of hours of witness interviews and carefully managed client, witness and stakeholder expectations throughout the livestreamed hearings.

Speed read

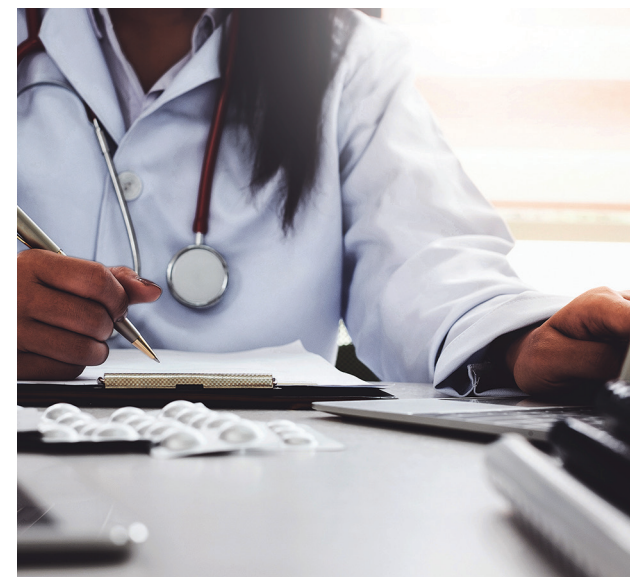
- Trusted advisers on health and safety compliance.
- Our team has a unique blend of advisory practitioners and defence lawyers, many of whom have been regulators.



Teresa Hitchcock

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Life Sciences

Introduction

Our Life Sciences team comprises lawyers with legal, scientific and medical knowledge who understand the complexity of the environment in which our clients operate, including experience providing extensive advice to public sector clients in this space. Many of our lawyers have worked at life sciences companies and have PhD level degrees in hard sciences that allow them to combine scientific experience with sound legal judgement.

Our UK life sciences team was shortlisted for the British Legal Awards 2020, Life Science category, for its ground-breaking work in the context of the COVID-19 pandemic. We have furthermore advised on some of the most high-profile solutions to the pandemic, including advising the **NHS** on all aspects of its Track-and-Trace app, and advising a **major pharmaceutical company** on its agreement to supply COVID vaccine to the EU.

Our track record – advising:

- The **Department of Health and Social Care** (DHSC) on its high-profile national COVID-19 Track and Trace app, including the crucial privacy and data protection and IT aspects; and preparation of key documentation ahead of the App's national launch.
- A **Plc licensee** on its largest-ever global licence deal from Porton Down, the UK Government research establishment, to the marketing and distribution of a highly-valuable cancer therapy. The licence involved complicated issues of public law as well as contract law, since the licensee is a government body, as well as a measured approach to risk that sought to balance risk between the parties.

- On the design, build, finance and maintenance of a new **Cancer Centre** for the delivery of specialist cancer services. This was a pathfinder PPP healthcare project in the Welsh healthcare sector being procured under the **Welsh Government's Mutual Investment Model programme** (MIM). Having advised on the development of the MIM standard form documentation, the team has been instrumental in the evolution of standard UK model terms to account for new guidance on statistical treatment. Our advice encompasses support on the development of the project agreement, procurement documents and related matters in readiness for project launch. Our role will then include support with the competitive dialogue stage, through to financial close.
- A **major pharmaceutical company** on the agreement for the supply of their COVID-19 Vaccine across UK and Europe. The headline contract was that with the European Commission, which was procuring Vaccine doses on behalf of the EU Member States. We negotiated three separate contracts with the EU, and over 50 separate Vaccine Order Forms with Member States. We have also subsequently assisted on the contract negotiations for the roll-out of their anti-viral product.
- **DHSC** on all intellectual property and data privacy aspects of its 100k Genome Project. This involved complex issues around permissions to use genomic material, ownership of databases and ownership of resulting intellectual property. The team also continues to assist in relation to new genomics focused arrangements that NHSE/I enters into as the Genomics Programme continues to expand.

- **NHS England** on its 100,000 Genome Project. Building on that to enable NHS England to deliver a Prime Ministerial commitment, we took sole responsibility for drafting all tender documentation and supported the procurement of over 20 Genomic Medicine Centres. The procurement played to our strengths: it was collaborative, fast-paced, innovative and high quality, laying the foundation for the UK's life science's strategy and Genomic Medicine Service.

Speed read

- Over 30 specialist life sciences lawyers in the UK.
- Coordinated team that operates across 40 jurisdictions.
- Advise clients in the pharmaceutical, vaccine, medical devices, bio-tech, health-tech, gene and cell therapies, healthcare and cannabis sectors.



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Maritime and Shipping

Introduction

With the shifting landscape of globalisation and innovation, port and shipping operations have increased in complexity and scale. Our experienced team in the maritime and shipping sector represents the full range of stakeholders in the sector, including port owners and operators, port authorities, shipping groups, shipowners and charterers, shipbuilders, lenders and financial investors in bulk carriers, tankers, warships, support vessels, yachts, barges and other vessels, as well as ports and other maritime facilities.

We have extensive experience handling shipping-related disputes before courts and arbitration panels worldwide, such as disputes involving contamination, shortage and delay, charter party claims, shipbuilding and repair disputes and salvage and collision claims. We advise on every aspect of the maritime industry, including:

- Vessel procurement design, manufacture and financing.
- Port concessions and projects, including financing, development and construction.
- M&A/Joint Ventures.
- Antitrust.
- Data Protection/GDPR.
- Environmental issues and social value.
- Transfers and registration.
- Charter parties.
- Offshore installations.
- Towage, pilotage and salvage.
- Marine regulatory advice, casualties and insurance.
- Maritime attachments, vessel arrests and liens.

Our track record – advising:

- A **central government department** on the GBP1.6bn procurement of three maritime vessels. This included advising on procurement, drafting and negotiating complex design and build contracts, all against a challenging timetable in an international market.
- A **central government department** on the procurement of the design and build of the National Flagship and drafting and negotiating the contracts in respect thereof.
- **Hutchinson Ports UK** in relation to the expansion of the Port of Felixstowe (the UK's largest port), for over ten years and in relation to the Bathside Bay Container Terminal, situated close by. We have advised on projects including redeveloping railway access facilities, negotiating long-term stevedoring and warehousing arrangements and developing a dedicated berthing facility for containerised traffic.
- **Defra** on its Framework Agreement for the provision of offshore vessel charters to support the Marine Management Organisation's (MMO) operations for the charter of Offshore Patrol Vessels to provide capability and collect intelligence on observed fishing activity post – Brexit, specifically as a deterrent to illegal fishing activity and the deployment of MMO inspection teams to board and inspect fishing vessels at sea. DLA Piper's role included the modification of standard form BIMCO Supplytime charter agreements as the base document on which providers would charter Offshore Patrol Vessels to Defra and an analysis of the liability issues and relevant insurance arrangements.
- The **Maritime and Coastguard Agency** on its Scottish property portfolio which includes industrial units and cabins in many remote and coastal locations. We give advice, among other things, on acquisitions and lease renewals.

- The **Maritime and Coastguard Agency** on its contracts relating to aerial pollution spray services. This has included purchase of specialist equipment, advice on transfer of type licences, contracts for outsourcing of aviation services and related regulatory and contract advice. We have called upon our specialist aviation lawyers to advise on regulated aviation matters.
- The **successful tenderer** on its appointment as operator of a Transport Scotland subsidised ferry service between mainland Scotland and the Northern Isles of Orkney and Shetland.

Speed read

- A market-leader in the maritime and shipping sector.
- Particular strengths in advising on major ship procurements and infrastructure (including planning) projects, as well as contract advice.
- Known for our ability to handle the largest challenges scaling up to provide both expertise and bench strength in a crisis.



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Media Law

Introduction

Media, Sport and Entertainment (MSE) is a primary area of focus and investment for DLA Piper. Our team has regular experience in advising those involved in the media and entertainment industries – industries which demand the very best representation and expect superior client service. Our clients benefit from our international reach, from our deep industry knowledge and experience, and from our creative, solution-oriented and responsive approach.

DLA Piper is at the forefront of advising the media and entertainment industries on finance, investment and corporate issues, production and rights acquisition, the exploitation of media rights, the staging and exploitation of live sports and other events, intellectual property protection and enforcement, regulatory and administrative issues, antitrust and competition law and the resolution of disputes.

We advise international and national governing bodies and agencies, film studios and producers, distributors, broadcasters, promoters, advertisers, rights holders, leagues, clubs, franchise owners, event promoters, sponsors, investors, banks and other leading corporations and individuals.

Representative media clients include **ITV, HBO, Al Jazeera, Comcast, Dentsu Aegis, Naspers Limited, Electronic Arts, ESPN Inc., beIN SPORTS, Universal, RTL, The Walt Disney Company, Discovery Channel, Warner Bros, Viacom, Virgin, CBS Broadcasting, Vice Media, the Premier League, the Football League** and the **National Basketball Association (NBA)**.

Our track record – advising:

- The **Department for Culture, Media and Sport (DCMS)** on all aspects of the hosting of the Commonwealth Games in Birmingham in 2022. Government guarantees the arrangements and so has a role in overseeing implementation and making sure things are proceeding in an orderly way. We have also advised DCMS on funding arrangements for the key locations used for the Games, intellectual property issues, and liability issues resulting from various issues including COVID-19.
- The **Cabinet Office** in relation to various arrangements for the United Nations Climate Change Conference ‘COP26’ held in Glasgow in November 2021. Google took sponsorship and had a role in amplifying the messaging of the event. We assisted on that deal to maximise its benefits for government. Later, we advised on arrangements for a film to be produced by the BBC and an advertising agency in relation to the event, helping ensure the film met governmental needs.
- The **Department for Culture, Media and Sport (DCMS)** on the impact of Brexit on the UK implementation of the E-Commerce Directive and the country-of-origin principle for the operation of information society services from the UK and provided across the EU, particularly in relation to advertising content.
- **Major advertisers** – undertaking significant amounts of successful high-profile work for major advertisers before the ASA and on broader advertising regulatory compliance.
- On **Ofcom** advertising and sponsorship regulations.
- **Brands, broadcasters and publishers** on the interface between data protection, privacy, defamation and other content liability risks.
- **The Football Association Premier League Limited** on all aspects of its domestic and international audio-visual rights sales strategy.

- Various **international broadcasters and media companies** on the carriage/distribution of their channels and content, in arrangements with various platform operators, including advice on their OTT and other direct to consumer strategies.
- Several government departments on the hosting of major events including advising the **Foreign, Commonwealth and Development Office** on the G7 and COP26.

Speed read

- Advised on a number of government’s most strategic projects, including Olympic and Commonwealth Games and the 2021 United Nations Climate Change Conference.
- Advised on the hosting of major events.
- Collaborative, with a “can do” attitude.
- Quality and innovation in all we do.
- World class expertise delivered locally to Government using best practice methodology.



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Public Inquiries and Inquests

Introduction

DLA Piper has a Public Inquiries team with significant experience of advising on major public inquiries and inquests in a range of settings. The team is made up of public inquiries and inquest lawyers with a breadth and depth of experience in a range of key related areas including health and safety, public procurement, health and social care regulatory, product liability, data protection and COVID-19 related advice and litigation.

Our track record – advising:

- The **Magnox Inquiry** established by the Secretary of State to inquire into the failed procurement for a GBP6bn contract to decommission 12 nuclear UK sites by the Nuclear Decommissioning Authority and related procurement litigation. We advised the Inquiry team Chair on all aspects from lines of enquiry, document management and review, witness interviews through to the production and finalisation of the final report. We also assisted with the successful defence of a judicial review brought against the Chair by some of the witnesses. We were able to work successfully with GLD on all aspects of this complicated and high-profile Inquiry. The final report (March 2021) was welcomed by government, which agreed to adopt all but two of 57 recommendations.
- A **non-departmental public body** on strategy considerations and data protection for the COVID-19 Public Inquiry.
- One of the core participants in the largest Public Inquiry constituted in England and Wales – **Grenfell Tower Inquiry**. The inquiry's initial findings have precipitated a thorough overhaul of the fire safety regulatory regime applicable to buildings.
- The **Manchester Arena operator** in the 2017 terrorist attack inquiry. We undertook hundreds of witness interviews and

managed client and stakeholder expectations during live hearings. Substantial attention was required to manage legal and factual submissions, expert evidence and explanations of complex systems and procedures. We managed disclosure and redactions of operationally sensitive information in close collaboration with the Inquiry Legal team. Forensic analysis of all the available evidence helped the client anticipate hostile questioning. Volume 1 Findings are published, with response to Monitored Recommendations ongoing.

- **Eurocopter/Airbus Helicopters** as counsel in relation to three sensitive Fatal Accident Inquiries (FAIs) taking place between 2014-2020 pertaining to helicopter accidents/ditchings in the North Sea and Glasgow City Centre, as well as assisting the client in providing evidence to the House of Commons Transport Select Committee. We liaised with regulatory stakeholders, including the AAIB, and undertook a multi-jurisdictional document review exercise, given the client was principally based in France/Germany. A significant number of witness interviews in the UK/Europe took place where we introduced key stakeholders to the FAI procedure in Scotland. The client's evidence to the Transport Select Committee came at a particularly sensitive period during an FAI. Working with Counsel, significant attention was required in terms of distilling complex helicopter systems and operations into legal and factual submissions. We managed disclosure and redactions of operationally sensitive information in close collaboration with the Crown and Procurator Fiscal Service and liaison with key witnesses, including those who gave evidence via video link from overseas during the pandemic in circumstances where an FAI was conducted in its entirety online. The preparation employed at the outset of each incident to identify areas of interest from other parties and the Crown,

and developing appropriate responses, assisted the client in ensuring they did not receive any hostile or problematic recommendations from the Inquiry Sheriff (judge).

- **Kent Fire and Rescue Service (KFRS)** on the inquest into a death resulting from a cell fire. This involved several Interested Persons including HMPPS. We managed a considerable disclosure exercise including forensic analysis of confidential policies with relevant government bodies relating to the response to fires where "persons reported" present a risk to the responders themselves. We conducted several detailed interviews of witnesses and worked with prominent counsel to undertake detailed analysis of KFRS's disclosure obligations. The jury's Record of Inquest made no comment in relation to KFRS's response to the fire and the Coroner did not make a Prevention of Future Deaths Report in relation to KFRS.

Speed read

- Inhouse electronic data management experts with experience of managing inquests and inquiries with large volumes of documents and data.
- Track record of conducting detailed and challenging witness preparation and orientation.



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Public International Law

Introduction

DLA Piper's Public International Law practice is spread across our global offices, with particular expertise in London (as well as in Paris, New York, Washington D.C. and Mexico City). We can offer to government clients top tier investment treaty arbitration work with a broader Public International Law practice which encompasses, for example, advisory work to States, trade and investment negotiations and sanctions work.

Our track record – advising:

- The West African regional organisation, **ECOWAS**, on the application of privileges and immunities to its officials under its core instruments, with a particular focus on immunity from prosecution.
- The **Mastercard Foundation** on the rules on international legal personality and customary and treaty law on privileges and immunities. Negotiation of Headquarters Agreements with five African countries, including drafting provisions of those agreements.
- A **State** on the available public international law arguments to request the return of that state's possessions from the UK government. Included advising on the force of customary international law and judgments of international tribunals under UK law.
- The **Government of Lithuania** in a bilateral investment treaty dispute brought by a Russian investor in the banking sector.
- **INTERPOL** in a high profile and politically sensitive public international law dispute relating to the arrest of INTERPOL's former president in China. We also advised INTERPOL on the application of privileges and immunities to its officials under its core instruments.
- An **Asian State** on the redrafting of its model bilateral investment treaty.
- The **Government of Guinea** in its investigation of corruption in the acquisition of rights to the world's largest untapped iron ore deposit which led to the withdrawal of the mining rights in question. We are also representing the State in consolidated, multi-billion-dollar ICSID arbitrations brought by the investor, BSG Resources – one of the highest profile, most important mining disputes in the world.
- The **Republic of Kenya** in respect of an ICSID claim brought by the mining investor, Cortec. This claim was the highest value and most strategically important investment treaty claim Kenya has ever faced.
- The **Democratic Republic of Timor-Leste** on various matters, including the first ever inter-State Compulsory Conciliation proceeding commenced by Timor-Leste against the Commonwealth of Australia under the United Nations Convention on the Law of the Sea (UNCLOS) concerning the delimitation of the maritime boundary between Timor-Leste and Australia in the Timor Sea. We have also advised on proceedings against Australia before the International Court of Justice commenced by Timor-Leste in December 2013 seeking the return of seized documents and data, together with declarations from the Court that its sovereignty, property and other rights under international law had been breached by Australia following the search and seizure by Australian security officers of several documents and data.
- The **Government of the Islamic Republic of Afghanistan** (through the Ministry of Finance) on a range of issues in the oil and gas, mining, hydro, transportation, manufacturing, construction, and telecommunications sectors, including advice on bilateral investment treaty issues.
- A **North African sovereign wealth fund** investing in hotels and real estate projects across Africa, with legal and strategic advice regarding seized property, including providing political input on the assessment of security and commercial risks.
- The **Ministry of Foreign Affairs** of the **Government of a Central Asian State** in the formulation of a strategy for the negotiation of international agreements designed to support a north-south energy corridor linking Central Eurasia and South Asia.
- The **Central Bank** of an **African State** in relation to the development and implementation of control mechanisms to protect sovereign assets in the context of an ensuing civil war, including the provision of strategic advice to the Central Bank in its discussions and engagement with key international regulators and organisations.

Speed read

- Significant experience of advising governments and international organisations worldwide on a variety of Public International Law matters.
- Extensive experience in handling arbitration disputes involving sovereign states, including claims brought under bilateral investment treaties (BITs) and multilateral investment treaties (MITs).
- Advise sovereign states on issues of public international law, such as law of the sea, land and maritime boundaries, and treaty interpretation.



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Telecommunications

Introduction

DLA Piper offers full-service capability to the telecommunications sector. Founded on vast knowledge of the commercial, transactional and regulatory aspects of telecommunications law, our experience covers all major telecommunications technologies, including wireless, broadband, internet, mobile, satellite, fixed and submarine.

We have a proven track record of advising on a wide range of telecommunications matters for both public and private sector clients, including major network infrastructure deployments, outsourcing, mergers and acquisitions, financing, tax, corporate structuring, and regulatory assignments. We also have extensive experience advising clients in relation to the Networks Services Framework 2.

Our clients include the full spectrum of sector participants, including manufacturers, suppliers, network operators, regulators, governments and financial institutions. You can expect that we will:

- Know your market and associated regulations.
- Understand the business context.
- Understand the technology and industry jargon.
- Understand and manage the specific legal and commercial risks associated with your deal.
- Articulate your concerns and negotiating position by reference to actual industry experience.
- Assist you to resolve your specific disputes wherever and whenever they may occur.
- Deliver clear and concise agreements that are capable of simplified contract administration.

Beyond our work for public sector clients, we offer a full-service solution for telecommunications clients advising on contentious and non-contentious and regulatory matters.

Our track record – advising:

- The **Department of Health and Social Care** (DHSC) and NHS Digital on the highly complex exit from the DHSC's national contract with BT for voice and data services across England and its replacement with a number of contracts for a Health and Social Care Network, including transitional connectivity, future connectivity, peering exchanges, advanced network monitoring and network analytics services. NHS Digital is also responsible for the accreditation programme in respect of all suppliers and managing and providing various central capabilities. The next phase of the HSCN is to upgrade all Health and Social Care sites on ADSL to FTTC as a minimum by the end of 2022.
- The **Home Office** on the Emergency Services Network (ESN) programme, a replacement programme for the Airwave TETRA telecommunications network for the UK's blue-light services. The ESN is a GBP1.2bn programme, the re-set in ESN is projected to save the public purse GBP200m a year once it has fully replaced the original radio-based network, Airwave. This is a Critical National Infrastructure project and was the second most important issue on Cabinet Office's watch list. We supported Home Office in re-negotiating its contracts with Motorola and EE.
- **Defra** on various calls offs from the Networks Services Framework 2 for call routing, telephony and contact centre as a service solutions, developing bespoke supplemental call off terms.
- A **central government department** on a range of projects to transform their legacy networks into a modern/agile/robust set of networks, this has included the Next Generation Core Networks (NGCN), LSNT (using the model services contracts adapted as required) and since 2018, the exit from the incumbent DFTS contract with BT.

- A **consortium of all the UK mobile operators** on their "Shared Rural Network" project to improve 4G coverage in rural areas. This involved a complex sharing agreement as well as arrangements with the government to receive subsidies.

Speed read

- Deep understanding of the market, technology and regulations.
- Advised on some of the largest and most complex Government telecoms deals.
- Experience on all sides of transactions helping us understand the dynamics of transactions, enabling our clients to achieve "win-win" results.



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The Law of International Trade, Investment and Regulation

Introduction

DLA Piper's Global Trade and Regulatory Affairs team is an international trade practice in the UK led out of London but has specialist practitioners throughout the country. Our team is made up of trade lawyers, regulatory sector specialists and political advisors in the UK, former UK Government trade negotiators and former officials in third country governments and international institutions.

We provide both contentious and non-contentious international trade and WTO, investment, customs, financial sanctions and export control advice across our global platform. Our UK team works daily with our international network of trade specialists.

We understand that in this area you want exceptional legal advice that takes account of the broader context. We have the tools and acumen to anticipate, articulate and engage with wider stakeholders and jurisdictions.

DLA Piper is appointed to the RM6183 Trade Law Panel for Lot 2 and is a sub-contractor to Tereposky & DeRose LLP on Lot 1.

Our track record – advising:

- The **Department of International Trade** (DIT) to provide expert legal and political advice to equip its Trade Policy Group and Intellectual Property team with key analysis and tools for future trade negotiations with the US. We assembled a team of intellectual property, international trade and government affairs experts in London and Washington DC to successfully deliver the project and contribute to the UK Government's objective of negotiating a range of deep and comprehensive free trade agreements with its trading partners in the context of Brexit and the Global

Britain agenda. We prepared practical negotiating briefs on the key offensive and defensive interests, areas for discussion and negotiation and potential sticking points. We presented our analysis and recommendations in full to legal and policy leads from DIT and wider departments in an interactive workshop.

- The **Department Digital, Culture, Media and Sport** to develop and deliver a seminar and supporting materials for DCMS legal and policy officials. The seminar focused on the application Most Favoured Nation (MFN) provisions in the World Trade Organisation (WTO)'s General Agreement on Trade in Service (GATS).
- A **global manufacturing company** in relation to an on-going investigation by HM Revenue & Customs (HMRC) with respect to rules of origin for customs valuation purposes. We provided detailed technical advice and corresponding practical recommendations in relation to the concept of Bilateral Cumulation and wider strategic advice with respect to the client's engagement with HMRC.

Case study – Middle East State Government:

We supported the **State** in the development of its **Export Incentives Programme** to support and encourage businesses to improve their competitiveness, enter and develop export markets and expand their global reach.

Our international trade and WTO specialists, working in conjunction with local lawyers supported the design and implementation of schemes to ensure consistency with obligations as a WTO member and under wider bilateral and multilateral trade agreements.

We provided recommendations as to how the client could limit the risk of challenge from other WTO Members.

Providing advice to a significant importer of steel into the UK on the transition of the EU's tariff rate quotas (TRQs) on steel products into UK domestic legislation following the end of the Brexit transition period.

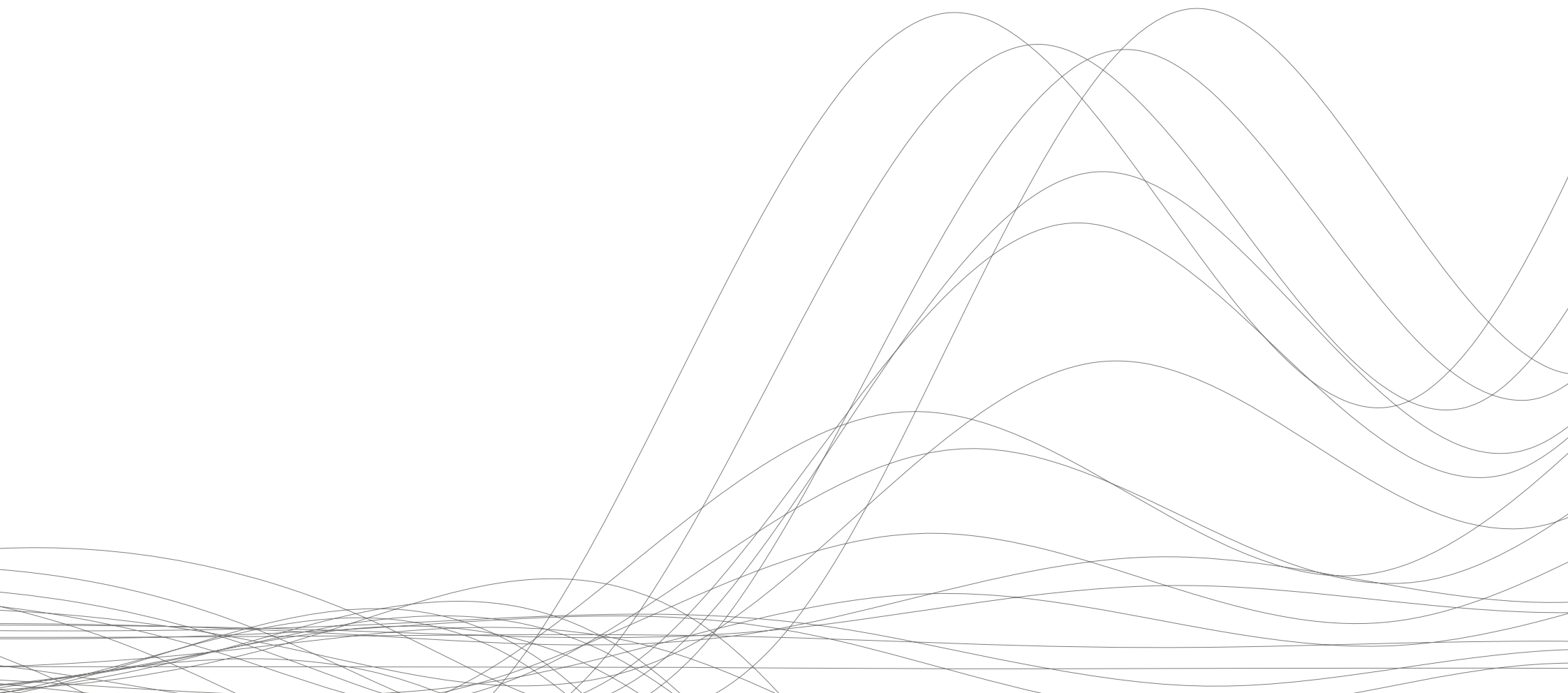
We provided advice on the presentation of procedural, administrative, economic and trade-related grounds upon which the client could consider challenging the original determination as well as supporting the client on its engagement with DIT, the Trade Remedies Investigations Directorate/Trade Remedies Authority and wider stakeholders.

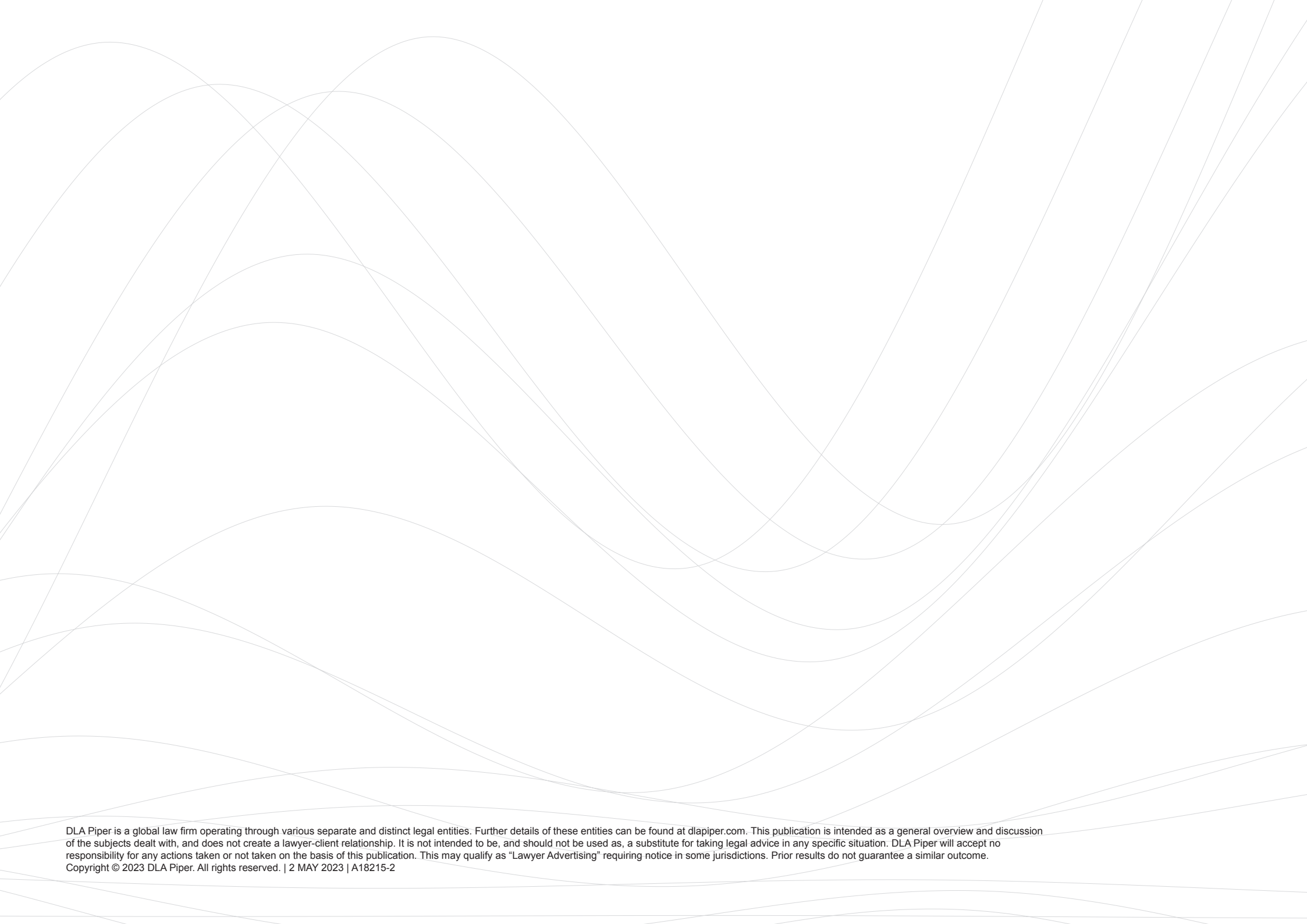
Speed read

- Provides both contentious and non-contentious international trade, WTO, investment, customs, financial sanctions and export control advice.
- Substantive policy and technical expertise as well as reliable legal know-how.
- Integrated, consistent and expert advice.



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