

Personal Profile



Mair Coombes Davies

PERSONAL DETAILS

Call to the Bar: 1988
Joining Civitas: 1st May 2009
Contact: mcd@civitaslaw.com

PRACTICE PROFILE

Mair Coombes-Davies has a dual qualification as an architect and barrister. She is Head of Civitas DR (the Dispute Resolution Group) and a member of the Chancery, Business and Consumer Law Group. Her areas of practice include building, engineering and land disputes. Her expertise covers a wide area: construction and commercial contracts, e-commerce and consumer affairs, professional negligence, land, property, planning, boundary and right of way disputes.

Her work incorporates arbitration, adjudication, mediation, public inquiries and litigation. She has conducted many hundreds of arbitrations and adjudications, and is an appointed arbitrator of the Welsh Assembly Government and the Office of the Deputy Prime Minister. She leads and sits on specialist committees on the development and future of ADR (alternative dispute resolution), including: the General Council of the Bar, the Chartered Institute of Arbitrators and the Royal Institute of British Architects. She has also lectured widely and is the author of several publications on ADR.

APPOINTMENTS

- Office of the Deputy Prime Minister appointed arbitrator
 - Welsh Assembly Government appointed arbitrator
 - General Council of the Bar of England and Wales Alternative Dispute Resolution Committee
 - Chairman, Communications and Internet Services Adjudication Scheme under the aegis of Ofcom
 - Chairman, Chartered Institute of Arbitrators IDRS Panel of Conveners for arbitration, adjudication and mediation
 - Chairman, Royal Institute of British Architects Presidents Advisory Committee on Dispute Resolution for arbitrators, adjudicators and mediators
 - Secretary, Association of Welsh Mediators
 - Committee member, Chartered Institute of Arbitrators Panels Management Group
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QUALIFICATIONS

- B.Sc. (First)
 - B.Arch.(Distinction)
 - Ph.D
 - RIBA
 - F.C.I. Arb.
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MEMBERSHIPS

- Construction Industry Council

Personal Profile

- The Chartered Institute of Arbitrators
- London Court of International Arbitration
- RIBA
- Association of Welsh Mediators
- Wales Commercial Law Association
- National Academy of Dispute Resolution
- Law Works Pro-Bono Mediation
- Wales Circuit Specialist Bar Association

FIELDS OF WORK

- **Building, Construction & Engineering Contracts**
Formation of contracts, mistake and misrepresentation
Interpretation of construction and engineering contracts and subcontracts
Obligations and liabilities of employers, main contractors and subcontractors
Professional negligence and standard of skill and care of architects, engineers and quantity surveyors
Third party rights, assignments of contractual rights
Warranties and bonds
Impossibility of performance, contributory negligence, economic duress, estoppel and exclusion clauses
Licence
Liability for design, inspection and supervision
Quality and fitness of materials and workmanship
Vesting of property in materials and lien
Variations, valuations and liquidated damages
Payment, non-payment, quantum meruit and recovery of payments
Interim certificates, final certificates, set-offs and approvals
Delays to the programme
Determination and discharge of contracts
Latent damage
Insolvency
Negligence, nuisance, breaches of statutory duty, vicarious liability, occupiers liability and liabilities to third persons
- **Companies and Partnerships**
Partners' rights between themselves and liability to third persons
Partnership property, division of assets and profits
Partners' lien
Dissolution of partnerships
Powers and liabilities of companies
Ownership and disposition of company property
Insolvency
- **Landlord and Tenant**
Leases, underleases, and licences
Reversions and assignments of leases
Content, interpretation, variations and implied terms of leases
Fixtures and fittings

Personal Profile

Terms of tenancies, terminating leases, notices to quit, recovering possession and security of tenure
 Payment, non-payment, deductions and recovery of rent
 Rent reviews
 Repair, rebuilding, waste, fitness, alterations and improvements of premises
 Tenants' obligations to landlords, and vice-versa
 Benefit and burden of covenants for quiet enjoyment

- **Real Property**

Purchase, sale and rent of land/property
 Construing title deeds, statutory declarations, maps and photographs
 Rectification and estoppel
 Boundary disputes
 Land registry adjudications
 Creation and extinguishment of easements and licences
 Easement disputes including rights of way, ways of necessity, rights of lights, rights of support, and water rights
 Trespass to land and airspace
 Adverse possession and recovery of land
 Nuisance and abatement
 Party walls, party structures, and access to neighbouring land
 Professional negligence of valuers, estate agents and surveyors

- **Planning**

Planning applications, permissions, appeals and judicial review
 Compulsory purchases, acquisition of land, adverse effects on property and compensation
 Development of land, changes of use and permitted developments
 Environmental impact assessments and protection of wildlife
 Listed buildings consent and enforcement
 Developments and development control within conservation areas, SSSIs, areas of Outstanding Natural Beauty, National Parks and Urban Development Areas
 Enforcement of planning control and enforcement notice appeals
 Highways improvements
 Publicity (including lack of) for planning applications
 Lands Tribunal relief

- **ADR: Arbitration, Adjudication and Mediation**

Jurisdiction and powers of the tribunal
 Construing agreements for arbitration and adjudication
 Loss of right to object
 Default of parties
 Joinder of parties
 Arbitration awards, adjudication decisions and mediation settlements
 Enforcement of, and appeals to, awards and decisions
 Costs

- **E-Commerce and consumer affairs**

On-line resolution in business to consumer e-commerce transactions
 Communications and internet services adjudications
 Consumer protection



Personal Profile

Sale of goods, supply of services, distance selling and enforcement
Privacy and data protection issues
Contract formation including internet contracts and termination of contracts
Identification of contracting parties and insolvency of parties
Incorporation of terms and conditions, unfair contract terms and breaches of contract
Lost data, lost business revenue
Mobile and broadband services
Payments, direct debits, cash-back arrangements, charges, overcharging and debt collection.