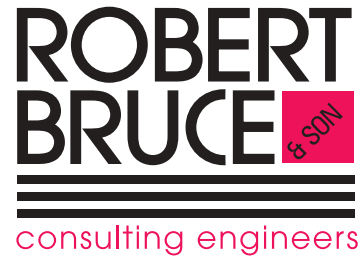


www.rbands.co.uk

Engineering Consultancy for Dispute Resolution

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Foreword

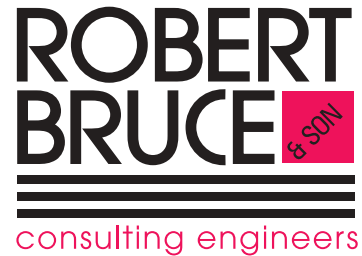
I have created this brochure to demonstrate some of the features that we can incorporate into reports and other documents. The document is designed to be viewed on-screen. It can be printed out if necessary, but some loss of image quality is to be expected.

For optimum viewing, select **View, Full Screen** from the Acrobat Viewer menu bar. You may return to the normal view by pressing **Esc** on your keyboard.

You may navigate through the brochure either page-by-page by using the $\uparrow\downarrow$ keys on your keyboard or the [hyperlinks](#) printed on each page. The document is word and phrase-searchable, using the “binocular” tool on the Acrobat toolbar.

Dick Ward, Principal

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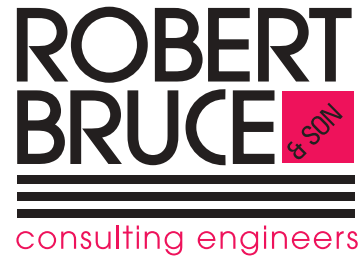


Robert Bruce & Sons is an independent mechanical and electrical engineering consulting practice, founded in 1908, working internationally, and specialising in industrial plant, machinery, and electrical systems.

The Practice has experience of manufacturing and process plant, mechanical handling, industrial power generation, and electricity distribution. Our experience encompasses the whole cycle of project activity: project definition, design, implementation, project management, and post-contractual support.

Our client portfolio includes multi-national companies, public service providers, utilities and professional practices both in the United Kingdom and overseas. Our industrial clients include producers of pulp, paper, tissue, packaging materials, chemicals, minerals, aluminium, and other metal products. Utilities we have served include water companies, public and independent power generators, and regional electricity companies.

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Dispute Resolution

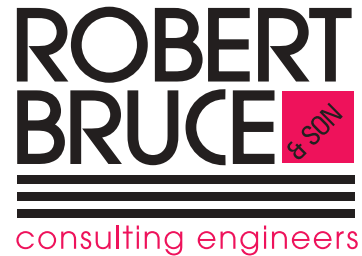
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It is widely acknowledged that it is to the advantage of all parties if disputes can be resolved without recourse to litigation. We are always pleased to assist in such endeavours, whether they proceed through Arbitration or ADR.

We are familiar with the roles and responsibilities of the contracting parties and their advisors in engineering contracts, and are pleased to assist as technical advisors during with the preparation of the technical case on a party-appointed basis.

As experienced consulting engineers, we are accustomed to acting fairly between client and contractor, and, in addition to our work as expert witnesses, are ready to apply our knowledge and diplomatic skills to assist as technical assessors, expert determinators, or as independent expert assistants to a tribunal.

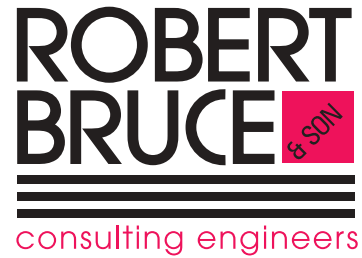
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Dispute Resolution (continued)

In the United Kingdom, the Pre-Action Protocol laid down by the Lord Chancellor binds parties to engineering and construction disputes to formal exchanges before court proceedings are commenced. We are ready to assist with the detailed analysis needed in formulation of the Letter of Claim, and in preparation for the pre-action meetings of parties prescribed by the Protocol. When called upon to assist in preparation of the Defendant's response, and the response to any counterclaim, we recognize the importance of strict compliance with any timetables agreed with instructing solicitors, to enable adherence to the time limit imposed by the Protocol.

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Assisting the Court

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Forensic engineering and expert witness services have been key parts of our professional programme for over twenty years. Our experts are trained and experienced in providing the independent, unbiased expert evidence demanded by litigators, and insisted upon by the Courts.

Our experience includes matters of contractual dispute, professional negligence, personal injury, and intellectual property. We are familiar with the requirements of the Civil Procedure Rules (CPR), and we are careful to ensure that we comply with its requirements whether acting as Expert Advisor, Party Appointed Expert, or Single Joint Expert.

Expert Determination

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Expert Determination is a long-established procedure that can deliver a fast, inexpensive and contractually-binding resolution of a dispute. It is particularly well suited to disputes where the issues are factual and technical in nature, when it may not only lead to resolution of the dispute but may also assist in developing technical solutions to the problems that go beyond pure monetary resolution. The Expert can immediately bring to bear his technical knowledge and familiarity with the operational environment in which the dispute has arisen, thus saving much of the time and expense that would otherwise be incurred explaining technical issues to non-technical intermediaries.

The proceedings are private and the decision confidential, a particular advantage in cases sensitive to publicity. A further advantage is that, because the parties and the Expert are in control of the timetable, and are not bound by the requirements of the Housing Grants, Construction and Regeneration Act 1996, Expert Determination offers an effective alternative to adjudication, especially in cases of a highly technical nature where the complexity of the matter requires a more considered approach to identifying and resolving the real issues.

When seeking Expert Determination, the parties agree to appoint an Expert to decide the dispute and to be bound by his decision. The procedure followed thereafter is entirely flexible, being

Expert Determination (continued)

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subject only to agreement between the Expert and the parties. It is not subject to any formal process or rules other than those specifically adopted for the purposes of the case. The Expert's investigation can, for example, be based entirely on documents submitted to him by the parties, or it may be appropriate for him to conduct an inspection or a hearing. The Expert may conduct his own investigations, issue directions, interview witnesses or call for submissions from the parties to state their positions. The Expert may give reasons for his decision (a "speaking decision") or not, as agreed.

In our approach to Expert Determination, we emphasise impartiality and fairness. Irrespective of any formal obligation, we apply the rules of natural justice: we are unbiased; each party is given the opportunity to state its case, to hear the case against it, and the opportunity to answer that case. We accept no undisclosed submissions on behalf of one party. By adhering to these principles, we aim to deliver a just and satisfactory resolution in a fraction of the time, and at far less cost than that which would be incurred through recourse to the courts or arbitration.

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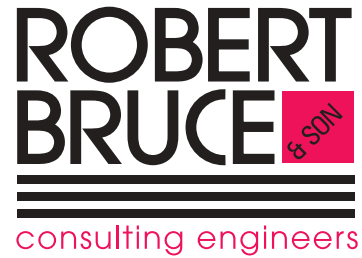
Contractual Dispute

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At Robert Bruce & Sons, we appreciate the elements essential to a successful engineering project: realistic objectives clearly expressed and understood by all parties, coupled with effective planning, control of physical resources, programme, and cost, all within an appropriate contractual framework.

It is our experience that most contractual disputes in the engineering industry arise through the failure of one or more of the parties to understand or control these elements, as manifested by lateness, cost overrun or unsatisfactory performance. The second causal factor most frequently encountered is that of quality: inadequate quality of engineering design and construction, leading to premature plant degradation or failure.

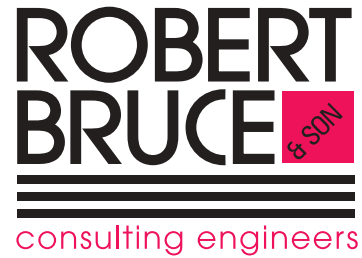
With many successful industrial projects to our credit, we are well qualified to give expert advice and evidence on issues of design, construction, and project management, when these involve industrial plant, machinery, and electrical systems.



Professional Negligence

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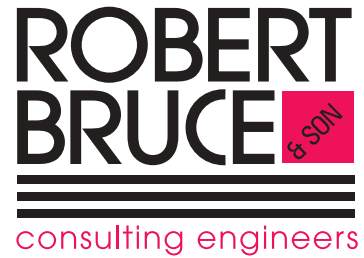
As active practitioners, we are constantly aware of the duty of care owed by the engineering profession to its clients, the public and the environment. We realise that when allegations of negligence are brought to court it is a matter for the Court to decide whether services have been negligently provided, or not. We are, however, able to draw on our experience in the many and varied aspects of engineering design and project management, and on our knowledge of the customary roles and responsibilities of the individual participants, to assist the Court in reaching its decision.



Personal Injury

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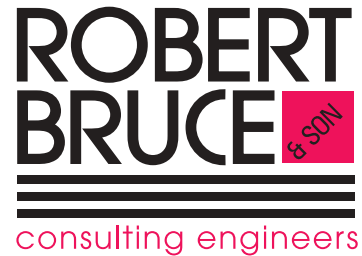
We have investigated, advised, and given evidence in many cases of industrial injury. We are well versed in the requirements of the Health and Safety at Work Act and the extensive body of regulations that has been introduced in recent years. By codifying good practice the current regulatory environment has significantly clarified the legal responsibilities of employers and employees to ensure safety in the workplace. We draw on practical experience of the manufacturing and construction industries to provide pre-action advice on the merits and demerits of claims. Our evidence, given on behalf of both claimants and defendants, has frequently been crucial in deciding the outcome of a case.



Intellectual Property

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We are experienced in the detailed examination of machinery and engineering designs, and have been consulted in cases of copyright infringement. Our advice has resulted in out-of-court settlement in cases of alleged copying of designs.



Our Litigation Toolbox

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Naturally, we are equipped with the technical, analytical and presentational software expected of a modern engineering consultancy.

It is our aim to make our output as user-friendly as possible, and we adapt our methods to suit requirements of individual cases. Our reports can be delivered in a variety of media and formats to suit the convenience of litigators and the Courts.

Mastery of the documents is essential to engineering litigation cases, which frequently involve very large volumes of evidence. Through our association with H&M Information Management Services, we have access to a document management system, "Docwize", specifically developed with dispute management in mind.

The Docwize system is constantly updated in line with the changing requirements of litigation practitioners, and developments in information technology. H&M has become one of the few specialist providers of litigation management services worldwide. For large and complex cases, we are able to arrange a complete document management service provided by H&M.

The Experts

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Principal

E R J Ward

BSc (Eng) CEng FIEE MIMechE MIDGTE FConsE MAE

Dick Ward joined the Practice in 1970. He is professionally qualified both as a Chartered Mechanical Engineer and as a Chartered Electrical Engineer. His international experience, gained throughout Europe, Australia, and the Asia-Pacific region, includes all the major stages of project implementation from initial definition to commissioning. He is thus able to address many specialised areas of technology as well as matters of general engineering practice and industrial safety. He has provided engineering support for dispute resolution alongside his conventional consulting practice since 1978. He is a Member of the Academy of Experts, trained in the requirements of the Civil Procedure Rules (CPR), and the particular requirements they place upon experts in general, and Single Joint Experts.



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Associate Consultants

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D J F Davies

DipEE CEng FIEE MConsE MCIBSE

James Davies has over thirty years experience in the generation, transmission, distribution and utilisation of electrical energy in the United Kingdom, Africa, the Middle East, and Oceania. His career has encompassed all aspects of electrical project design and management at senior levels in industry and consultancy practice. He is an experienced expert witness trained in CPR.

J D Butterworth

BSc(Hons) CEng FICE MCIWEM

Jonathan Butterworth has over twenty-five years experience in the design and management of multi-disciplinary construction projects in the United Kingdom, the Arabian States, India, and the Caribbean. He has particular experience in the Industrial, Water, Transport, and Power sectors. He is a trained adjudicator, and has acted as an expert witness in a number of cases in the United Kingdom and Overseas.

Fields of Experience

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Construction (General)

- Project design and management
- Owners' advisors and technical representatives
- Expediting, Inspection and Test Witnessing during manufacture and commissioning

Mechanical Engineering

- Prime movers: diesel engines, steam and gas turbines for power generation and marine propulsion
- Industrial power engineering
- Mining and quarrying machinery
- Air compression and pneumatic systems
- Fluid pumping and handling systems
- Mechanical handling and moving bridges
- Power hydraulics



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Fields of Experience (continued)

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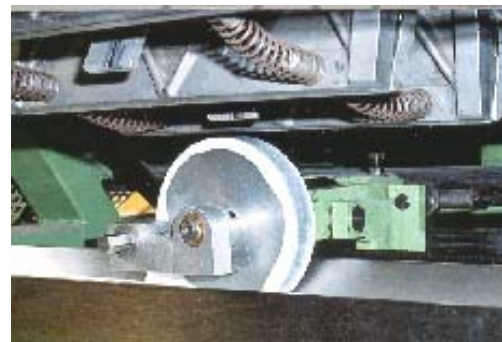
Electrical Engineering

- Electricity generation and distribution
- Industrial power and control systems
- Rotating machinery, transformers, switchgear and protection systems



Industrial Processes

- Paper, board and tissue manufacture
- Paper conversion and printing
- Packaging systems
- Mineral extraction, crushing and grinding
- Metal manufacturing and finishing
- Chemicals manufacture
- Waste material handling and recycling



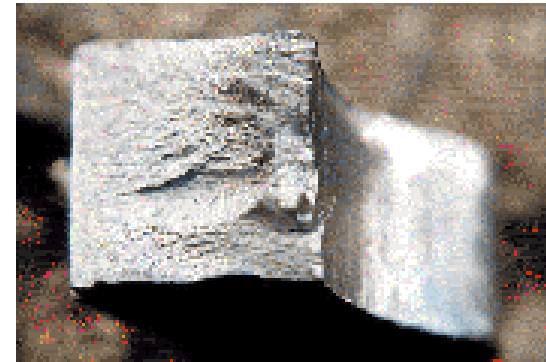
Energy

- Diesel power stations
- Combined-cycle power stations

Expert Services

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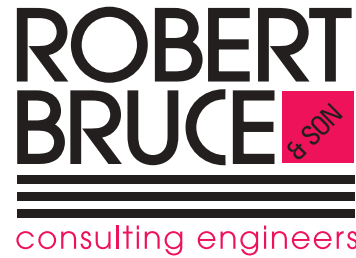
- Site investigations and inspections
- Assistance with the drafting of statements of case
- Preliminary advice following examination of case papers
- Provision of detailed expert's reports
- Reviewing engineers' reports submitted by the other side
- Advising counsel on engineering matters prior to trial
- Advising instructing solicitors and counsel during trial
- Expert witness
- Expert determination



Areas of Expertise

- Mechanical machinery and prime movers
- Mechanical handling systems
- Electrical machinery and installations
- Electrical control systems
- Industrial power generation and distribution
- Industrial process machinery
- Machinery for the manufacture of pulp, paper and board
- Paper conversion, printing and packaging systems
- Metal manufacturing machinery
- Industrial safety





Contact Information

Robert Bruce & Sons, Wormhill, Buxton, Derbyshire, SK17 8SL,
United Kingdom

URL: www.rbands.co.uk

Telephone: +44 1298 871173 Facsimile: +44 1298 872149
Electronic mail: principal@rbands.co.uk

Principal: Eurling E R J Ward BSc (Eng) CEng FIEE MIMechE MIDGTE FConSE MAE

Robert Bruce & Sons is a Member Firm of the Association of Consultancy and Engineering



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