

Tom Owen KC

Call: 2011 Silk: 2024

"An outstanding advocate, Tom is fierce and dedicated when fighting your corner."

Energy, Legal 500 UK Bar 2024



Practice Areas

- Advisory
- Arbitration
- Dispute Boards
- International Arbitration
- Litigation
- Mediation
- Professional Negligence
- Construction & Engineering
- Energy & Natural Resources
- Infrastructure & Utilities
- Offshore Construction & Marine Engineering
- PFI & PPP
- Adjudication
- Independent Appointments

Clerk details

Will Shrubsall

T: +44 (0)20 7544 2712

wshrubsall@keatingchambers.com

Robert Garvan

T: +44 (0)20 7544 2696

rgarvan@keatingchambers.com

Jacob Watson

T: +44 (0)20 7544 2679

jwatson@keatingchambers.com

Maria Ahmed

T: +44 (0)207 544 2678

mahmed@keatingchambers.com

Practice Overview

Tom Owen KC is recognised as one of the leading silks for TCC litigation in the High Court, and as a formidable advocate on appeal and in international arbitration.

Tom is described as “*an outstanding advocate, fierce and dedicated when fighting your corner*” (Legal 500), and “*a tenacious advocate and a trusted adviser*” (Chambers & Partners).

Of Tom’s cross-examination: “*he destroyed the other party’s case – such that they withdrew their claim before a decision was reached*” (Legal Week’s ‘Stars at the Bar’). Tom has a “*tenacious ability to deal with difficult cross-examinations and the talent of having just about every single fact to hand*” (Legal 500).

Tom leads large teams in heavy and complex construction, energy, and related disputes. He conducts appeals in the Court of Appeal and Supreme Court.

Before taking Silk, Tom was Construction and Energy Junior of the Year (Legal 500 and Chambers & Partners), and recognised in ‘Stars at the Bar’ (Legal Week) and ‘The Hot 100’ (The Lawyer).

Practice Areas

High Court: Trials

Tom Owen KC is often Counsel of choice for heavy and complex High Court trials. Tom is known particularly for his meticulous case preparation and for his cross-examination.

Examples of past-listed and future-listed trials include:

- 12 week trial: professional negligence claim against cost consultants and others.
- 4 week trial: alleged mechanical defects at an iconic central London property.
- 4 week trial: alleged fire-safety defects at substantial residential tower blocks.
- 3 week trial: termination and delay dispute concerning a power plant.
- 2 week trial: defects dispute concerning a football stadium.
- 1 week trial: defending a claim under the Defective Premises Act 1972.
- 2 day Part 8 trial: income sharing arrangements in a waste management project.

High Court: Interim Hearings

Tom Owen KC appears regularly in substantial interim hearings in the High Court. He is highly experienced in appearing before a range of Judges on legally complex, sensitive and substantial hearings. Recent work includes:

Injunctions:

- To injunct the withdrawal of a call on a bond and/or to preclude the bank from paying.
- Resisting relief seeking to forbid a contractor accessing site.
- Seeking relief to exclude a contractor from a substantial Grade I site.

Summary judgment and/or strike out:

- Resisting summary judgment sought by an insolvent party in a CVA.
- Various high-value adjudication enforcements.
- Strike out of Part 8 and Part 7 statements of case.

Jurisdictional challenges:

- Part 11 jurisdictional challenges: seeking and resisting. A recent example concerned the legal effect of stays on taking the relevant step to serve proceedings, and of the late filing by the Defendant of the AOS.
- Section 9 Arbitration Act 1996 stay: seeking relief to stay proceedings to arbitration.

Limitation and substitution:

- Substitution of the core Defendant post-expiry of limitation.
- Amendments after expiry of the primary limitation period.

Case-management orders, applying for and resisting:

- Preliminary issues trials.
- Security for costs.
- Pre-action and specific disclosure, and disclosure guidance.
- Consolidation and trial together.
- Transfer between divisions.
- Part 18 orders for further information.

Appeals

Tom Owen KC conducts appeals in the Supreme Court and in the Court of Appeal.

In the Supreme Court Tom appeared recently for the Respondent in *Simply Construct v Abbey Healthcare*, having previously appealed successfully to the Court of Appeal.

Tom has appeared in Court of Appeal on many occasions. Recent examples include:

- Whether a collateral warranty is a construction contract for the purposes of Part II of the Housing Grants, Construction and Regeneration Act 1996.
- Whether, in a hybrid contract, for the purpose of section 111 of the Housing Grants, Construction and Regeneration Act 1996, a payment notice must identify the sum due in respect of construction operations separately from any non-construction or excluded operations.
- Whether a CPR Part 15 Defence is required to resist enforcement proceedings by summary judgment under CPR Part 24 for fraud.
- Whether an exemption clause “*liability for any claim in relation to asbestos is excluded*” barred the claims.
- Whether amendments after expiry of the limitation period were permissible, and whether a “*new claim*” under section 35 of the Limitation Act 1980 and CPR r.17.4.

International Arbitration

Tom Owen KC leads large teams in international arbitrations. Tom has appeared before a number of retired appellate justices and High Court judges. Recent cases include:

- 3 week ICC arbitration concerning a solar PV project.
- 1 week LCIA arbitration concerning civil fraud in respect of a London development.
- 1 week AASA arbitration concerning a power station.
- 1 week hearing concerning a food production facility.

Construction & Engineering

Tom Owen KC has led some of the most substantial and high-profile cases in the TCC in recent times. Recent work includes:

- £100m proceedings concerning a mixed-use retail development.
- £60m proceedings concerning alleged defects at a residential development.
- £50m proceedings concerning alleged defects at a hospital.
- £20m proceedings concerning alleged defects in car parking facilities.
- £10m proceedings concerning alleged defects in care home facilities.

Energy & Natural Resources

Tom Owen KC is highly experienced in energy disputes in the UK and internationally. Recent work includes:

- Nuclear: standing Counsel to the Employer at Hinkley Point C.
- Energy-from-waste: acted for the Main Contractor in a final account dispute.
- Wind: acted for the Employer in an offshore windfarm project.

- Solar PV: acted for the Contractor in a termination dispute.
- Biomass: acted for the Main Contractor in a termination dispute.
- Coal: acted for the Main Contractor in various defects and delay disputes.
- Oil: acted for the Contractor in proceedings concerning bridge-linked oil platforms.
- Gas: acted for the Company in a natural gas pipeline project.

Professional Negligence

Tom Owen KC defends and pursues claims against construction and associated professionals. Recent work includes:

- Approved Inspectors: acted for and against in respect of building safety claims.
- Architects: acted for and against, particularly in relation to building safety claims.
- Project Managers: acted against in respect of negligent costs-control advice. Acted for in relation to building safety claims.
- Clerk of Works: acted against in respect of inspection and building safety claims.
- Quantity Surveyors: acted against in relation to negligent feasibility and costs advice. Acted for in respect of negligent certification.
- Monitoring Surveyors: acted against in respect of large funded developments.
- Cost consultants: acted against in respect of negligent estimation and viability claims.
- Mechanical engineers: acted against in respect of negligent design.
- Electrical engineers: acted for in respect of design advice.
- Structural engineers: acted for in respect of foundations designs.
- Acoustic engineers: acted against in respect of disputes concerning sound attenuation and acoustic separation.

Infrastructure & Utilities

Tom Owen KC has substantial experience in the infrastructure and utilities sectors. Recent work includes:

- Airports: acted in respect of a Joint Venture fit-out of a major international airport.
- Roads: acted in respect of road and infrastructure works at the Olympic Park.
- Rail: acted in respect of rail repair and maintenance works.
- Grid: acted in respect of defective connection works.
- Flooding: acted for the contractor in respect of flood defence systems.
- Defence and security: acted in respect of various projects.

Offshore & Marine Engineering

Tom Owen KC advises and acts in relation to offshore and marine projects, in addition to his energy practice. Recent work includes:

- Acted in a claim concerning infrastructure between oil drilling rigs.
- Acted in a dispute concerning a substantial commercial port.
- Advised in respect of non-assignment provisions in an offshore drilling rig contract.
- Acted for the Company in a dispute concerning offshore heavy lifting vessels.
- Acted for the Contractor in respect of defective installation of a subsea dynamic umbilical cable at a floating production storage and offloading vessel (FPSO).

PFI & PPP

Tom Owen KC frequently acts for Authorities, Project Co, Contractors and Funders in respect of high-profile and complex PFI disputes. Recent work includes:

- Hospitals: acted for various parties, e.g. on payment and termination disputes.
- Schools: acted for various parties, e.g. on defects, utilities benchmarking and termination disputes.
- Leisure facilities: acted for the Contractor on the construction of pool and leisure complexes.
- Police facilities: acted in relation to termination and defects disputes.
- Prison facilities: acted in relation to defects disputes.

IT & Technology

Tom Owen KC advises and acts in a range of IT and technology disputes. Recent work includes:

- Software: acted in a software dispute concerning flight training facilities.
- Hardware: advised in a software and hardware dispute concerning GPS tracking.
- Websites: acted for a leading advertising agency in respect of updates to its website.
- Electronics: acted in a dispute concerning the supply and transport of such high voltage switchgear and associated electronics.
- Satellites: advised in relation to distribution agreements for antennae.

Health & Safety / Regulatory

Tom Owen KC has experience in defending criminal and regulatory proceedings in the construction and related sectors. Recent work includes:

- Successful acquittal of the Defendant in a criminal prosecution of a national housebuilder for health and safety charges on a construction site.

- Acted in injunctive proceedings concerning liability under the Health and Safety at Work Act, Control of Substances Hazardous to Health Regulations, Control of Asbestos Regulations and Construction (Design and Management) Regulations.
 - Advised in respect of a criminal prosecution for offences at a construction site under the Highways Act 1980.
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Reported Cases

- Augusta 2008 LLP v Abbey Healthcare (Supreme Court) [2024] UKSC 23
- FTH v Varis Developments [2022] EWHC 1385 (TCC)
- Abbey Healthcare v Simply Construct (Court of Appeal) [2022] EWCA Civ 823
- Boxwood v Gleeson [2021] EWHC 947 (TCC)
- Monty & Payter LLP v MWA Projects Limited [2023] EWHC 1682 (TCC)
- Clarion Housing Ltd v Crest Nicholson Operations Ltd [2023] EWHC 620 (TCC)
- Sarkesian v Hutton Construction Ltd [2023] EWHC 311 (TCC)
- Balfour Beatty v Broadway Malyan [2022] EWHC 2022 (TCC)
- Standard Life v Gleeds and Others [2022] EWHC 1310 (TCC)
- Evolve Housing v Bouygues and Others [2022] EWHC 906 (TCC)
- Buckinghamshire Council v FCC Buckinghamshire Ltd EWHC 2867 (TCC)
- Toppan and Abbey v Simply [2021] EWHC 2110 (TCC)
- Ceramic Works v B & K Building Services Ltd [2021] EWHC 17 (TCC)
- Ex Novo v MPS [2020] EWHC 3804 (TCC)
- Premier Engineering v MW [2020] EWHC 2484 (TCC)
- Stonewater v BAM [2020] EWHC 2226 (TCC)
- Fabricom v MW [2020] EWHC 1626 (TCC)
- Tomlinson v Balfour Beatty [2020] EWHC 1483 (TCC)
- J&B Hopkins v Trant Engineering [2020] EWHC 1305 (TCC)
- Taylor Wimpey v Harron Homes [2020] EWHC 1190 (TCC)
- J Tomlinson v Balfour Beatty [2020] EWHC 1483 (TCC)
- PBS v Bester (enforcement appeal - CA) [2020] EWCA Civ 404
- C Spencer Limited v MW High Tech Projects UK Limited (appeal - CA) [2020] EWCA Civ 331

- PBS v Bester [2020] EWHC 223 (TCC)
- Midal Cables v AMEC (disclosure) [2019] EWHC 3337 (TCC)
- C Spencer Limited v MW High Tech Projects UK Limited [2019] EWHC 2547 (TCC)
- Engie Fabricom UK Ltd v MW High Tech Projects UK Ltd [2019] EWHC 1876 (TCC)
- PBS v Bester (enforcement) [2019] EWHC 996 (TCC)
- Swansea Stadium Management Company v Swansea and Interserve [2019] EWHC 989 (TCC) [2019] EWHC 989 (TCC)
- Midal Cables v AMEC (preliminary issues trial) [2019] EWHC 1155 (TCC)
- Swansea Stadium Management Company v Swansea and Interserve [2018] EWHC 2192 (TCC) [2018] EWHC 2192 (TCC)
- Swansea Stadium Management Company v Swansea and Interserve [2018] EWHC 2210 (TCC) [2018] EWHC 2210 (TCC)
- PBS v Bester (enforcement) [2018] EWHC 1127 (TCC)
- Equitix ESI CHP (Wrexham) Limited v Bester Generacion UK Limited [2018] EWHC 177 (TCC)
- Bernhards Sport Surfaces Ltd v Astrosoccer 4 U Ltd [2017] EWHC 2425 (TCC)
- Persimmon Homes and Others v Arup and Others [2017] EWCA Civ 373
- Dixon v Radley House Partnership and Others – COSTS JUDGMENT. [2016] EWHC 3485 (QB)
- Dixon v Radley House Partnership and Others – MAIN JUDGMENT [2016] EWHC 2511 (TCC)
- Persimmon Homes Ltd & Others v Ove Arup & Partners Ltd & Another [2015] EWHC 3573 (TCC)
- Seeney v Gleeson Developments Ltd [2015] EWHC 3244 (TCC)
- Errington v David Brown Gear Systems Ltd [2014] EWHC 4255 (TCC)
- Co-operative Group Ltd v Birse Developments Ltd and Others EWCA Civ 474, [2013] All ER (D) 19 (May)

Other information

Education & Professional Career

- Silk, 2024
- Recorder, 2022
- CEDR Solve Adjudicator Panel, 2013
- TECBAR-accredited Adjudicator, 2013
- Tenant, Keating Chambers, 2012

- Pupil, Keating Chambers, 2011-2012
- Bar Professional Training Course, Nottingham Law School – ranked top in the year, 2010-2011
- MA (Hons) Law, University of Cambridge, Downing College, 2007-2010
- Loughborough Grammar School, Head Boy (2006/07), 2000-2007

Additional Information

Tom is a keen sportsman. He enjoys playing and watching football, rugby and cricket.

Languages: English (native) and French (professional working proficiency) German (professional working proficiency).

Appointments & Awards

- Construction and Energy Junior of the Year, 2023/24
- Hot 100, 2023
- Construction and Energy Junior of the Year, 2022/23
- The Baron Dr Ver Heyden De Lancey Prize, ranked top Middle Templar on the BPTC, 2012
- Certificate of Honour, Middle Temple 2011
- Lord Taylor Prize, ranked top in the year at Nottingham Law School BPTC, 2011
- The Advocacy Prize, Nottingham Law School BPTC, 2011
- Winner of the Nottingham Law School Ropewalk Mooting Competition, 2011
- Queen Mother Scholarship, Middle Temple 2010
- Finalist, University of Cambridge De Smith Mooting Competition, 2010
- Sporting Colours, Downing College, 2010
- Downing College Lovells Prize, 2008
- Finalist, representing the University of Cambridge at the International Roman Law Moot Conference, 2008

Memberships

- Middle Temple
- Society of Construction Law (SCL)
- TECBAR
- COMBAR
- LCLCBA

- TECBAR – accredited Adjudicator and, by invitation, a Member of the CEDR Solve Adjudicator Panel.

Seminars & Publications

- Article: "How to get costs on the indemnity basis"
- Article: "Court fees in civil litigation: practical guidance"
- By invitation of King's College London, Tom is a lecturer and examiner on the MSc Construction Law & Dispute Resolution course.
- Tom lectures on all aspects of Civil Procedure and Civil Litigation.
- Article: "Late amendments and amendments after the expiry of the limitation period."
- Article: "Practical Guidance on Relief From Sanctions after Denton – July 2014."
- Article: "Construction Adjudication Enforcement."
- Article: "Liquidated damage: are they penal?"
- Article: "Who is the contract with: the director or his company?"
- Article: "Silence: unreasonable refusal of ADR."
- Article: "Liability for natural nuisances."
- Article: "Tree roots: causation in natural nuisance cases."
- Article: "Practical guidance on relief from sanctions after Mitchell and Durrant – January 2014."
- Co-Author of the 5th Edition of Halsbury's Laws of England: Income Taxation – Sub-contractors in the Construction Industry.
- Author of iSurv: Payment under Construction Contracts.
- "Amendments after limitation: limiting the amendments", KC Construction Update, Summer 2013 (pp.12-13).
- Sweet & Maxwell webinar Masterclass from Tom Owen: "Nuisance and Rylands v Fletcher: recent developments".
- Sweet & Maxwell webinar Masterclass from Tom Owen: "Commercial Property – pre-contractual representations, agents' duties and guarantees".
- By invitation of legal publishers, Sweet & Maxwell, Tom Owen is the author of "Defective Premises" and "Lis Alibi Pendens" for Westlaw UK Insight.
- Further, by invitation, Tom Owen is the author of: "Construction Adjudication: Enforcement" and "Construction Adjudication: Overview" for Westlaw UK Insight.

Recommendations

"Tom is the best counsel around. His advocacy skills, his written work, his connections with the solicitor and client teams, and his rapport with each tribunal are exemplary."

Construction, Legal 500 UK Bar 2025

"He is a calm, reflective thinker who can take the heat out of a tricky situation and provide sensible, commercial solutions."

Construction, Chambers & Partners UK Bar 2025

"Tom Owen is very calm, controlled and all over the detail."

Construction, Chambers & Partners UK Bar 2025

"Tom Owen is outstanding in his advocacy, paperwork, commitment to the cause and grasp of the law."

Construction, Chambers & Partners UK Bar 2025

"He exudes calm, even in the most difficult of situations."

Construction, Chambers & Partners UK Bar 2025

"Tom is user-friendly and my clients love him."

Construction, Chambers & Partners UK Bar 2025

"Tom's level of service is second to none; he goes the extra mile time and again."

Construction, Chambers & Partners UK Bar 2025

"He's just top-notch in every single aspect – outstanding in advocacy, paperwork, commitment to the cause, grasp of law and relationship with tribunals."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"Tom's advocacy skills and his rapport with each tribunal are exemplary."

Energy, Legal 500 UK Bar 2025

"Tom is a hugely impressive individual. He is very dedicated and hardworking."

Professional Negligence, Legal 500 UK Bar 2025

"Tom is very eloquent and persuasive. He makes the right points at the right time and in a way that cuts to the heart of the key issues. He also keeps on top of the detail and often drives the work in the background, which is particularly helpful in complex and acrimonious cases."

Professional Negligence, Legal 500 UK Bar 2024

"An outstanding advocate, Tom is fierce and dedicated when fighting your corner."

Energy, Legal 500 UK Bar 2024

"Tom is friendly, clear, meticulous and has a fantastic mind for untangling thorny issues."

Construction, Legal 500 UK Bar 2024

"He's very responsive, very good and gives great advice. Top marks for Tom all round, he's a great barrister and is my first choice if available."

Construction, Chambers & Partners UK Bar 2024

"Tom Owen is an absolute diamond in the construction Bar. He certainly deserves the accolades he's getting."

Construction, Chambers & Partners UK Bar 2024

"Tom provides a very high level of service, he is incredibly responsive and his advocacy is exceptional."

Construction, Chambers & Partners UK Bar 2024

"Tom is an exceptional barrister. His ability to absorb complex technical information and translate this into simple yet effective pleading is testament to his talent."

Professional Negligence, Chambers & Partners UK Bar 2024

"Tom is a phenomenal barrister known for his contagious energy and enthusiasm. Clients love him. He is one in a million."

Professional Negligence, Chambers & Partners UK Bar 2024

"Very high standard of written work - clear, concise and gets the key points across."

Professional Negligence, Chambers & Partners UK Bar 2024

"A star of the junior Bar. He's committed, hard-working, clear, concise and extremely personable."

Chambers & Partners UK Bar 2023

"The best senior junior around in my view; Tom is technically excellent, has exceptional drafting skills, and his advocacy is inevitably perfect, particularly in reply whilst thinking on his feet."

Chambers & Partners UK Bar 2023

"Tom Owen is a hugely accomplished barrister with vast experience handling an array of construction disputes"

Who's Who Legal 2023

'Tom is very well organised and thorough. A real asset on any professional negligence case.'

Legal 500 UK Bar 2023

'Tom is fantastically tenacious and very client-friendly, and he will battle every point where a lot of Counsel would simply give up.'

Legal 500 UK Bar 2023

'Tom continues to be exceptional, always providing top-class legal advice tailored to the client's specific commercial circumstances and needs.'

Legal 500 UK Bar 2023

"He's a tenacious advocate and a trusted adviser who takes a common-sense, commercial approach."

Chambers & Partners UK Bar 2022

"He's technically robust and very eloquent. He leaves no stone unturned and he's incredible at structuring pleadings as well as responding strongly to oral submissions."

Chambers & Partners UK Bar 2022

"His tenacious ability to deal with difficult cross-examinations and the talent of having just about every single fact to hand. Whilst very polite and easy to get on with, a real steel fist in a velvet glove"

Legal 500 UK Bar 2022

"The ability to combine a fastidious attention to detail and prodigious memory for every fact combined with a genuine team spirit and client-friendly approach to the role."

Legal 500 UK Bar 2022

"His written work is as incredible as his courtroom manner and advocacy." "His written work pleadings and advice are clear and top quality, and his oral advocacy is outstanding."

Chambers & Partners UK Bar 2022

"Boundless energy and depth of knowledge are his deserved hallmarks, along with his tremendous commitment to the cause of his clients."

Chambers & Partners UK Bar 2021

"He is inventive and intuitive, with great advocacy skills."

Chambers & Partners UK Bar 2021

"He is irrepresible, incredibly well prepared and absorbs enormous amounts of information in very short time-frames. He is very commercial, very client-friendly and always has the correct facts at his fingertips. On his feet, he is quick, pragmatic and always ready with the right answer or question."

Legal 500 2021

"He's a great junior to have on a team. He's able to cut through the evidence and draft well-reasoned submissions."

Chambers & Partners UK Bar 2021

"He punches far above his weight in terms of years call."

Legal 500 2019

"An extremely hard-working and thorough junior. He is very responsive and accommodating to requests even when busy. He is bright and happy to help - a pleasure to work with."

Chambers & Partners 2019

"strong advocacy"

Chambers & Partners 2019

"Widely acclaimed junior who regularly appears as sole counsel before the TCC"

Chambers & Partners 2019

"His work is meticulous and of a very high standard."

Chambers & Partners 2019

"Very user-friendly and totally committed to the task. He delves into the details in incredible depth, so you know he'll be utterly prepared for every eventuality."

Chambers UK Bar 2018

"Very bright and meticulous in his preparation and strategy."

Chambers UK Bar 2018

"Tom is mature beyond his years; he's incredibly thorough in his preparation and sees points in a claim that others might overlook"

Who's Who Legal UK Bar 2017

"His written court work is outstanding".

Chambers & Partners 2017

Tom Owen is "one of the most promising young juniors at the bar".

Who's Who Legal UK Bar 2016

Tom Owen is "by a long way the best junior counsel I have instructed in over 20 years of practice. His written work is exemplary and his court presence is very impressive for someone of his year of call".

Who's Who Legal UK Bar 2016

Tom Owen "sees things others miss in cases".

Who's Who Legal UK Bar 2015
