

# Tom Walker

Call: 2019



## Practice Areas

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

## Clerk Details

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## Practice Overview

Tom has a broad and busy practice across Chambers' main specialisms. These include construction and engineering, adjudication, professional negligence, and procurement. He accepts instructions to advise, draft, and provide representation at all stages of litigation or other dispute resolution process, and particularly relishes being on his feet having gained extensive advocacy experience both prior to and during his time at Keating Chambers. He joined Chambers following the successful completion of his pupillage in 2022.

Recent experience as sole counsel includes:

- Successfully enforced an adjudicator's award where enforcement was resisted on the basis of various jurisdictional grounds and allegations of fraud. Secured costs on the indemnity basis.
- Represented the Defendant in an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Represented the Claimant in an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing. This included conducting the cross-examination of several witnesses of fact and an expert witness.
- Successful application in the High Court for an ex parte interim prohibitory injunction restraining a trespass and an ex parte interim mandatory injunction requiring a contractor to make safe the roof of the applicant's property. This involved appearing in three separate hearings.

Recent experience as junior counsel includes:

- Represented the Respondent in an adjudication concerning a delay claim (led by Jonathan Selby KC).
- Represented a high net worth individual in a domestic arbitration concerning a professional negligence claim arising out of defective works to a residential property (led by Lucy Garrett KC).
- Represented HS2 (led by Sarah Hannaford KC) in a procurement challenge brought in relation to a £2.75bn rolling stock contract. This included a 4-week TCC trial and two strike out applications.
- Represented the Respondent in a £200 million ICC Arbitration concerning a project in the Middle East (led by Will Webb KC).
- Appeared in the Court of Appeal representing Lancashire County Council in an appeal concerning a limitation defence under the Public Contract Regulations 2015 (led by Rhodri Williams KC).

Before coming to the Bar, Tom worked as a county court advocate for a law firm, LPC law. During this time Tom would conduct several hearings a week in his own right in relation to mortgage possession; landlord and tenant possession; infant settlement; setting aside default judgment; and bankruptcy. Whilst studying for the Bar Course, Tom represented his Inn of Court, Middle Temple, in the Vis International Commercial Arbitration Moot. This saw Tom compete in several European countries over the course of the year and win two awards for his advocacy.

Tom is also a contributor to *Keating on Construction Contracts*, and the *Construction Law Reports*.

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## Practice Areas

### Construction & Engineering

- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing. This included conducting the cross-examination of several witnesses of fact and an expert witness.
- Drafted Particulars of Claim on behalf of a construction contractor for breach of contract/ negligence against a screed supplier for the supply and installation of defective screed.
- Drafted a Defence on behalf of a bathroom fit-out contractor, against whom liability for various bathroom defects was alleged by the owners of several apartments.
- Advised a building and engineering services contractor on limitation issues arising out of a potential claim for breach of contract/negligence against a supplier of boilers.
- Advised a civil engineering and groundworks subcontractor on its prospective claim against a main contractor for the costs incurred repairing a warehouse floor slab.
- Drafted Particulars of Claim on behalf of a hotel for breach of contract/negligence against a building contractor arising out of the supply and installation of defective water pipes.
- Advised a construction and engineering contractor on the meaning and effect of notice provisions under a design and construction contract.
- Drafted Particulars of Claim in a claim for breach of a take or pay agreement in relation to the provision of concrete products.

### Adjudication

- Successfully enforced an adjudicator's award where enforcement was resisted on the basis of various jurisdictional grounds and allegations of fraud. Secured costs on the indemnity basis.
- Represented the Respondent in an adjudication concerning a delay claim (led by Jonathan Selby KC).
- Advised a contractor on the prospects of resisting enforcement of an adjudicator's award in the TCC on the basis of various jurisdictional challenges.
- Drafted Particulars of Claim for the enforcement of an adjudicator's decision in the TCC.
- Drafted a Referral Notice in a dispute concerning the defective design and construction of a steel frame intended for use in the construction of a new building on a farm.

## Professional Negligence

- Represented a high net worth individual in a domestic arbitration concerning a professional negligence claim arising out of defective works to a residential property (led by Lucy Garrett KC).
- Drafted a Defence in respect of a claim against a surveyor and is instructed in the upcoming two-day trial in the High Court.
- Drafted a Defence in respect of a claim against a project manager.
- Instructed in a one-day trial representing the Claimant in a professional negligence claim against an architect (Oxford County Court).
- Advised a developer on whether potential claims for the provision of a defective design by a subcontractor had been settled under a settlement agreement.
- Drafted Particulars of Claim in a claim against a sole trader for the defective installation of a canopy.

## Arbitration

- Acted as sole counsel on an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing.
- Represented the Respondent in a £200 million ICC Arbitration concerning a project in the Middle East (led by Will Webb KC).
- Represented a high net worth individual in a domestic arbitration concerning a professional negligence claim arising out of defective works to a residential property (led by Lucy Garrett KC).
- Drafted a Request for Arbitration under the LCIA Rules. The dispute related to the construction of an offshore wind farm.

## Procurement

- Represented HS2 in a procurement challenge brought in relation to a £2.75bn rolling stock contract (led by Sarah Hannaford KC). This included a 4-week TCC trial and two strike out applications.
- Represented Lancashire County Council in the Court of Appeal in an appeal concerning a limitation defence under the Public Contract Regulations 2015 (led by Rhodri Williams KC).
- Instructed as junior counsel to Rhodri Williams KC in a procurement challenge concerning the redevelopment of 65 hectares of land in Lancashire. This has so far included representing the Defendant at a strike out application, as well as providing advice.
- Advised a county council on the application of the automatic suspension under the Public Contracts Regulations 2015.
- Advised a university on the prospects of a potential procurement challenge following its unsuccessful bid for a contract for the provision of apprenticeship training.

## Commercial

- Acted as sole counsel on an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Drafted a skeleton argument in support of an application to the High Court to obtain an interim prohibitory injunction on a quia timet basis to prevent threatened trespass and property damage.
- Drafted a skeleton argument resisting an application to the High Court to obtain an interim mandatory injunction and supporting a cross application for a stay of proceedings under section 9 of the Arbitration Act 1996.
- Drafted a skeleton argument in support of an application to the High Court for an order that the decision of the joint liquidators of the respondent company be reversed pursuant to the Insolvency (England and Wales) Rules 2016.
- Drafted a skeleton argument resisting an application to the High Court for summary judgment to enforce an adjudicator's decision.
- Drafted a skeleton argument in support of an application to the High Court for summary judgment to enforce an adjudicator's decision.

## Advocacy

- Acted as sole counsel on an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing. This included conducting the cross-examination of several witnesses of fact and an expert witness.
- Successfully enforced an adjudicator's award where enforcement was resisted on the basis of various jurisdictional grounds and allegations of fraud. Secured costs on the indemnity basis.
- Ex parte application for interim injunctions (High Court) – Acted as sole counsel in the High Court in relation to a successful application for an ex parte interim prohibitory injunction restraining a trespass and an ex parte interim mandatory injunction requiring a contractor to make safe the roof of the applicant's property. This involved appearing in three separate hearings.
- Instructed in a one-day trial representing the Claimant in a professional negligence claim against an architect (Oxford County Court).
- Application for relief from sanctions (County Court at Norwich) – Successfully obtained relief from sanctions where a claim had been struck out for non-payment of a Court fee.
- Final hearing (Worcester County Court) – appeared on behalf of the Claimant and successfully obtained damages in a claim for property damage.

## Property/Party Wall

- Drafted the Particulars of Claim in a professional negligence claim against two party wall surveyors.

- Advised a residential property owner on the prospects of appealing an award by a Third Surveyor under the Party Wall etc. Act 1996.
  - Drafted a referral to a Third Surveyor under the Party Wall etc. Act 1996.
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## Reported Cases

- Brookhouse Group Ltd-v-Lancashire CC [2024] EWCA Civ 717
  - Brookhouse Group Limited v Lancashire County Council 2023] EWHC 2921 (TCC)
  - Siemens Mobility Limited v High Speed Two (HS2) Limited [2023] EWHC 2768 (TCC)
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## Other information

### Education & Professional Career

#### Professional Career

- Tenant, Keating Chambers - 2022
- Pupil, Keating Chambers 2021 – 2022
- County Court Advocate, LPC Law 2019 – 2020
- Called to the Bar, Middle Temple 2019

#### Education

- LLM International Commercial Law, UCL (Distinction, with 82% in a dissertation on good faith in English contract law) 2020 – 2021
- Bar Professional Training Course, BPP (Outstanding in Civil Litigation, ADR, and Civil Advocacy) 2018 – 2019
- Graduate Diploma in Law, BPP (Distinctions in Tort, Contract, and EU law) 2017 – 2018
- MA Music Business Management, University of Westminster (Distinction – 2nd in the year) 2016 – 2017
- BA Philosophy and Theology, University of Bristol (First – top of the year) 2013 – 2016

### Additional Information

Tom is a keen musician having played guitar, sung in and managed a tenaciously unsuccessful rock band for a number of years. He is also an enthusiastic cook.

## Appointments & Awards

- The Honourable Mention of the White & Case LLP Pre-Moot – White & Case LLP 2019
  - The Honourable Mention of the fourth Fox Williams LLP Pre-Moot – The Chartered Institute of Arbitrators and Fox Williams LLP 2019
  - The Harmsworth Scholarship, BPTC – Middle Temple 2018
  - The Director's Bursary Award – BPP 2018
  - The Harmsworth Scholarship, GDL – Middle Temple 2017
  - Career Guarantee Scholarship – BPP 2017
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