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**KEATING**  
CHAMBERS



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## Harry Smith

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**Call:** 2014

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**hsmith@keatingchambers.com**

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## Areas of practice

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- Construction & Engineering
- Professional Negligence
- Adjudication
- Arbitration
- Procurement

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## Clerks' Details

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**Declan Redmond**

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## Practice overview

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Harry Smith was called to the Bar in 2014 and became a tenant at Keating Chambers on the successful completion of his pupillage in 2015.

Harry is developing a broad and busy commercial practice in line with Chambers' profile, including construction and engineering, procurement, professional negligence, energy, utilities, and insurance matters. Recent highlights include:

- Acting (as junior counsel to Calum Lamont) for a large engineering firm in a \$20 million arbitration concerning a dispute over a micro-tunnelling project in the Middle East.
- Acting (as junior counsel to Sarah Hannaford QC) for the Legal Aid Agency in a number of challenges to its procurement of legal aid services in the High Court.

Harry has worked on a large number of cases involving a standard form contracts including the JCT, RIBA and NEC forms.

In addition to a substantial amount of court work (both appearing in his own right and assisting others), Harry's experience includes arbitration, adjudication, mediation, expert determination and various forms of settlement negotiations.

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## Recent Work

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### Advocacy

The recent hearings at which Harry has appeared as sole counsel include:

- Winchester County Court hearing. Defending a supplier of telecommunications services. Harry obtained an order that the claim be struck out.
- Taunton County Court hearing. Defending a manufacturer of construction products in a claim for negligent misstatement. Harry obtained summary judgment for the Defendant on the grounds that the Claimant had no prospect of succeeding at trial without expert evidence, which the Claimant had not obtained and, having carried out remedial works, was no longer in a position to obtain.
- Aldershot County Court hearing. Defending the supplier of a telecommunications goods and services package in a claim for breach of contract. Harry successfully resisted the Claimant's application to amend its case.
- Bridgend County Court final hearing. Defending a major telecommunications company in a breach of contract claim. Harry successfully argued that the term relied on by the Claimant had not been incorporated into the contract.
- Cardiff County Court telephone CMC. Representing an architect in a claim for repayment of fees. Harry obtained an order that unless the Claimant filed an amended statement of case the claim would be struck out.
- Brighton County Court directions hearing. Defending a major building contractor in a claim for distress and inconvenience. Harry obtained an order that the Claimant file Amended Particulars of Claim.

### Construction & Engineering

Harry's recent work includes:

- Acting (as junior counsel to Calum Lamont) for a large engineering firm in a \$20 million arbitration concerning a dispute over a micro-tunnelling project in the Middle East.
- Advising an Austrian building contractor in relation to a dispute worth £11.5 million concerning the construction of the Louvre Abu Dhabi.
- Instructed to act (as junior counsel to Gideon Scott Holland) in a £3.5 million dispute concerning renovation and refurbishment works to a substantial private home.
- Advising (as junior counsel to William Webb) an academy as to remedies and limitation in a dispute with a local authority concerning the proper allocation of responsibility for the disposal of asbestos in the school premises.
- Advising a London local authority as to the merits of a claim against a building contractor in the context of a project to construct a library.
- Representing a property developer in a claim for £130,000 concerning defective piling works.
- Representing a building contractor in domestic arbitration proceedings concerning a final account claim worth £90,000.
- Drafting the Defence in a restitution claim arising out of a determination made by the First-Tier Tribunal (Property Chamber) involving complex procedural and limitation issues.
- Drafting the skeleton argument in an appeal brought under the Party Wall etc. Act 1996.
- Advising a supplier of telecommunications services in relation to a proposed appeal from proceedings brought under the Protection from Harassment Act 1997.
- Drafting the Defence in a dispute concerning non-payment of fees allegedly due under air-conditioning maintenance agreement.
- Drafting Particulars of Claim in a dispute concerning the fitness for purpose of a fire prevention system.

## Procurement

- Acting (as junior counsel to Sarah Hannaford QC) for the Legal Aid Agency in a number of challenges to its procurement of legal aid services in the High Court.
- Assisted (during pupillage) with drafting a skeleton argument resisting an application to strike out the claim form in circumstances where the Claimant had allegedly failed to comply with the procedural requirements of the Public Contracts Regulations 2006.

## Professional Negligence

- Acting (as junior counsel to Jonathan Selby) for a large firm of architects in a claim relating to the production of designs for a substantial hotel complex.
- Drafted a Defence in a claim brought against an architect, involving inter alia an alleged failure to put in place an appropriate contractual arrangement between the employer and the contractor.

## Adjudication

- Advised a building contractor in writing as to whether to pursue its claim via adjudication in circumstances where court proceedings were already on foot.
- Drafted (during pupillage) the Referral in a substantial adjudication concerning a dispute worth £430,000 involving the NEC3 Option A contract.
- Drafted (during pupillage) the skeleton argument for a TCC hearing resisting enforcement of an adjudicator's award 815,000 euros.

## Bonds & Guarantees

- Drafted Particulars of Claim seeking enforcement of a performance bond as security against a building contractor's impending insolvency.
- Advised on the enforceability of certain bonds in the context of a large waste management construction project.

## Insurance

- Advised a building contractor facing a claim of approximately £275,000 from an insurer as to how best to mount a challenge to the insurer's standard terms of business.
- Drafted submissions regarding the extent of the arbitrator's jurisdiction in the context of an arbitration between an insurer and a firm of builders.
- Advised an insurer as to the potential impact of various statutory requirements on the scope of risks covered by the wording of its insurance policy.
- Assisted with advising an insurer as to the potential liability of a firm of geotechnical engineers in a claim involving a novel application of complex structure theory.
- Drafted Particulars of Claim in a claim brought by an insurer against a building contractor arising out of the defective condition of various new-build properties.

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## Education & Professional Career

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Law LLB, University of Warwick (First Class)	2009 – 2013
City University, Bar Professional Training Course	2013 – 2014
Called to the Bar, Inner Temple	2014
Pupil, Keating Chambers	2014 – 2015
Tenant, Keating Chambers	2015

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## Awards & Scholarships

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**Worshipful Company of Arbitrators**

Arbitration Weekend 2015, Best Individual Advocate

**City University**

Evan Ashfield Memorial Prize (highest mark in the Free Representation Unit module)

**Inner Temple**

Major Scholarship

**University of Warwick**

Giving to Warwick (outstanding contribution to pro bono work)

Master of the Moots (2012-2013)

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## Publications, Seminar & Papers

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- 'Estoppel by convention: a shield or a sword?', Practical Law, Oct 2015.
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## Languages

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French (conversational)

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## Additional Information

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In his spare time Harry enjoys playing the piano and skiing.

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