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Harry Smith



Call: **2014**

"Harry Smith is exceptionally good on his feet and has great strategic vision."

Construction: Professional Negligence, Chambers & Partners UK Bar 2027

Clerk Details

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Practice Overview

Harry is a leading junior for construction and professional negligence disputes. Known for being *“Excellent on paper and on his feet”*, he is highly in demand as counsel for substantial TCC litigation, First-tier and Upper Tribunal proceedings involving the Building Safety Act 2022, arbitrations and adjudications. Described by Chambers & Partners and the Legal 500 as *“extremely bright”, “tenacious and ferocious” and “an exceptionally capable barrister”*, his recent recommendations include:

“his work product is excellent and his advocacy is a pleasure to watch”.

“excellent technically, both on paper and on his feet”

“His written advice is stellar, matched by his skills in court. Would not hesitate to put Harry’s intellect against any other more senior member of the Bar.”

A significant proportion of Harry’s work involves the Building Safety Act 2022. He acted for the successful applicants in *The Central, 163-165 Iverson Road*, in which the First-tier Tribunal made a Remediation Order under s.123 in January 2025 and the Upper Tribunal later refused the landlord permission to appeal, and he is currently instructed as junior counsel in TCC proceedings involving applications for Building Liability Orders and product liability claims under s.149. He also advises on

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many other aspects of the Act's operation, including the Gateway 2 regime for higher-risk buildings. Harry is highly experienced in bringing and defending cladding and other fire safety claims.

In addition, Harry has extensive experience of contested adjudication enforcement hearings including the combined Part 8 trial and Part 7 summary enforcement hearing in *Morganstone v Birkemp* [2024] EWHC 933 (TCC). Other adjudication cases in which Harry has acted include *Aqua Leisure International Ltd v Benchmark Leisure Ltd* [2021] BLR 150; *Croudace Homes Ltd v PRB Wiring Solutions Ltd* [2020] EWHC 2139 (TCC); *Synergy Gas Services v Northern Gas Heating Ltd* [2019] 1 BLR 132; and *JonJohnstone Construction Ltd v Eagle Building Services Ltd* [2017] EWHC 2225 (TCC).

Other highlights of Harry's recent instructions include his appearance as junior counsel (led by Thomas Grant KC) for NHBC in the Court of Appeal in *National House Building Council v Peabody Trust* [2025] EWCA Civ 932, concerning when a cause of action accrues under the insolvency cover of the NHBC Buildmark policy; the Cambridge Guided Busway litigation, involving claims for c.£95m arising out of defects in the busway; *Northumbria Healthcare NHS Foundation Trust v Lendlease Construction (Europe) Ltd & Others*, a claim for c.£150m concerning defects in Northumbria Specialist Emergency Care Hospital selected as one of The Lawyer's Top 20 Cases of 2022; and his appearance as junior counsel for the successful respondent in the Court of Appeal in the *Herons Court* litigation, concerning the duties owed by building inspectors.

Harry has experience of all major standard forms including the JCT, NEC and FIDIC, and is a contributor to the current edition of *Keating on Construction Contracts*.

Practice Areas

Construction & Engineering

Harry has extensive experience of construction and engineering disputes of all kinds:

Building Safety Act 2022 related claims

Harry has acted in claims for Remediation Orders, Remediation Contribution Orders and Building Liability Orders, and in claims against construction product manufacturers under s.149, both in the First-tier Tribunal and in the TCC.

- *The Central, 163-165 Iverson Road* (LON/00AG/BSA/2024/0008). Harry acted for the successful leaseholder applicants in the First-tier Tribunal, which made a Remediation Order under s.123 and rejected the landlord's contentions that the application was an abuse of process and that the funding arrangements were champertous. The Upper Tribunal later refused the landlord permission to appeal.
- Advising a new home warranty provider on the availability and effect of Remediation Orders and Remediation Contribution Orders in connection with a claim on its policy.
- Advising the owner of a large residential development on whether remedial works to higher-risk buildings require Gateway 2 approval from the Building Safety Regulator, and on proposed Part 8 proceedings in the TCC.

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- Counsel (led by Simon Hargreaves KC) for a developer in a High Court (TCC) claim concerning structural defects in a residential block, including claims under the Defective Premises Act 1972 and applications for Building Liability Orders under s.130 against companies associated with the engineer and the contractor.
- Counsel (led by Simon Hargreaves KC) for a developer in a High Court (TCC) claim concerning fire safety defects in the external wall insulation of a retirement development, including a claim against the insulation manufacturer under s.149 and applications for Building Liability Orders against companies associated with it.
- Counsel (led by Simon Hargreaves KC) for a developer in a High Court (TCC) claim against structural engineers under the Defective Premises Act 1972, in which the developer relies on the extended limitation period under s.135 and the defendants contend that s.135 is incompatible with the European Convention on Human Rights.
- Counsel (with James Thompson) for a build-to-rent landlord in a proposed claim concerning fire safety defects in residential blocks, including applications for Building Liability Orders against companies associated with the contractor and with the architect.
- Counsel (led by Sam Townend KC) for a warranty provider in a High Court (TCC) claim against a builder to recover the cost of remedying cladding and fire safety defects in a residential tower, in which the Part 20 claims include an application for a Building Liability Order against a company associated with the cladding manufacturer.

Other construction and engineering claims

- Counsel for the claimant in a High Court (TCC) claim under a development management agreement for a commercial development.
- Counsel for a building contractor obtaining summary judgment on claims under a settlement agreement and supplemental deed arising out of the construction of a substantial London residence.
- A multi-million pound claim against engineers and materials suppliers in the High Court (TCC) concerning the design and construction of an inter-tidal mudflat at Cooling Marshes on the south bank of the River Thames.
- Counsel for an insurer in a multi-million pound claim concerning fire safety issues in a housing development.
- A claim in the High Court (TCC) for losses arising from water damage to modular homes during their construction.
- A professional negligence claim against an engineering firm in the High Court (TCC) concerning cracks and water ingress to an underground car park.
- A claim in the London Circuit Commercial Court against the National House Building Council concerning water ingress to the basements of adjoining houses.
- A claim in the High Court (TCC) concerning the negligent design and construction of foundations to a luxury home.
- A claim against the National House Building Council in the High Court (TCC) concerning fire safety and other construction issues in a block of flats.
- Counsel for the homeowner of a substantial property in a claim against an architect relating to the negligent design and inspection during construction of roofing works.
- Counsel for the employer in a claim against an architect for negligent design of a substantial London home.

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- Counsel for a building contractor in a claim against an architect for negligent design of a commercial complex.
- Counsel for a building contractor in a claim against a design professional for negligent design of the façade to commercial premises in a shopping centre.
- Counsel for a subcontractor in a claim against an M&E designer for negligent advice as to the heating load of a building.
- Counsel for a property developer in a claim against an asbestos surveying firm relating to negligently conducted surveys of commercial warehouses.
- Advising, and appearing for, the first defendant in a claim for water damage arising from the failure of a drainage system in exceptional storm conditions.
- Advising on the passing of property and risk in a complex dispute concerning the insolvency of a flooring supplier.
- 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.
- Counsel for a building contractor in a final account arbitration concerning the refurbishment of a luxury flat in London.
- Counsel for the successful insurer claimant in domestic arbitration proceedings concerning a claim for an indemnity in respect of defective building work.
- Counsel for the successful claimant in a commercial refurbishment final account arbitration.
- *National House Building Council v Peabody Trust* [2025] EWCA Civ 932. Harry appeared as junior counsel (led by Thomas Grant KC) for NHBC in the Court of Appeal in a case concerning when a cause of action accrues, for limitation purposes, under the insolvency cover of an NHBC Buildmark policy.
- Counsel (led by Tom Lazur) for a design and build contractor in a multi-million pound High Court (TCC) claim concerning extensions of time, liquidated damages and the conclusiveness of a final statement.
- Counsel (led by Jonathan Selby KC) for a property owner in a claim against a design and build contractor concerning fire safety defects in a hotel.
- Advising a landlord (led by David Thomas KC) in a dispute under an agreement for lease concerning delay to enabling works for a residential tower.
- *Herons Court v NHBC Building Control Services Ltd [2019] EWCA Civ 1423*. Harry appeared as junior counsel (led by Sam Townend KC) for the successful Respondent in the Court of Appeal in a case concerning an attempt to extend s. 1 of the Defective Premises Act 1972 to approved inspectors.
- A High Court (TCC) claim for c.£150m concerning defects in Northumbria Specialist Emergency Care Hospital (led by Vincent Moran KC and William Webb KC), selected as one of The Lawyer's Top 20 Cases of 2022.
- A claim in the High Court (TCC) against the National House Building Council concerning fire safety issues in two blocks of flats (led by Sam Townend KC).
- A claim against a cladding subcontractor concerning fire safety issues in a high-rise block of flats (led by Adam Constable KC).

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Energy & Natural Resources

- Counsel (led by Vincent Moran KC) for the employer in an arbitration against its EPC contractor concerning the performance of an energy generation plant.
- A multi-million dollar dispute concerning an oil field in Kazakhstan (led by David Thomas KC).
- An international arbitration in Geneva concerning a natural gas processing plant in Qatar (led by David Thomas KC).
- An international arbitration concerning a power plant in South Africa (led by David Thomas KC).
- An adjudication concerning a project to upgrade a National Grid site (led by Alexander Nissen KC).

Infrastructure & Utilities

- Acting for the Welsh Government in an adjudication concerning the construction of a new road (led by Justin Mort KC).
- An adjudication concerning a chemicals manufacturing facility.
- A High Court (TCC) claim for £95m concerning a substantial busway infrastructure project in Cambridge (led by Piers Stansfield KC).
- A multi-million euro claim in the High Court (TCC) concerning the design of a waste processing facility in Essex (led by William Webb KC).
- An arbitration concerning a micro-tunnelling project in Bahrain (led by Calum Lamont KC).
- A dispute concerning a new underground metro system in Saudi Arabia (led by Calum Lamont KC).

International Arbitration

- A dispute concerning the construction of the Burj Khalifa (the tallest building in the world) in Dubai (led by David Thomas KC).
- An arbitration concerning delays and disruption to the construction of a skyscraper in Dubai (led by Marcus Taverner KC).
- An arbitration concerning a micro-tunnelling project in Bahrain (led by Calum Lamont KC).
- An international arbitration in Geneva concerning a natural gas processing plant in Qatar (led by David Thomas KC).
- An international arbitration concerning a power plant in South Africa (led by David Thomas KC).
- A dispute concerning a new underground metro system in Saudi Arabia (led by Calum Lamont KC).

Professional Negligence

- Counsel for a developer in a High Court (TCC) claim against its employer's agent concerning advice on procurement and security for a residential conversion, following the insolvency of the contractor.
- Counsel for an architect in a High Court (TCC) claim brought by homeowners concerning the design of a contemporary house, including a successful application for summary judgment on a claim for specific performance.
- Counsel for a design and build contractor in a claim against the lead designer concerning the design of the façade to an office building.

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- A multi-million pound claim concerning negligent project management and planning advice involving allegations of fraud and secret commissions. Harry also acted in an associated appeal in the High Court (Chancery Division) concerning payment of the project managers fees.
- A multi-million pound claim against engineers and materials suppliers in the High Court (TCC) concerning the design and construction of an inter-tidal mudflat at Cooling Marshes on the south bank of the River Thames.
- A professional negligence claim against an engineering firm in the High Court (TCC) concerning cracks and water ingress to an underground car park.
- A professional negligence claim against a firm of architects in the High Court (TCC) in connection with the collapse of a hotel balcony and associated personal injuries.
- A professional negligence claim in the High Court (TCC) against a firm of architects concerning a project to refurbish and redevelop a convent.
- A claim in the High Court (TCC) concerning the negligent design and construction of foundations to a luxury home.
- A multi-million professional negligence claim against a company director for losses arising from the alleged mismanagement of a construction project.
- A £40m professional negligence claim in the Commercial Court concerning advice given to an insurer (led by Rebecca Sabben-Clare KC).
- A professional negligence claim in the High Court (TCC) against an Approved Inspector concerning fire safety issues in a development (led by Jonathan Selby KC).

Adjudication

Harry has extensive experience of adjudication from referral to enforcement and is a natural choice for contested adjudication enforcement hearings.

- *Galvin and Hamilton Ltd v Newmay Electrical Services Ltd* (2025), unreported. Harry appeared for the successful defendant in a contested adjudication enforcement hearing in which the defendant resisted enforcement on the ground that there was no construction contract between the parties.
- *Morganstone Ltd v Birkemp Ltd* [2024] EWHC 933 (TCC). A combined Part 8 trial and Part 7 summary enforcement hearing. Harry appeared for Morganstone, which successfully resisted enforcement on the ground that the adjudicator had wrongly treated its cross-claims as falling outside his jurisdiction.
- Counsel for a contractor in a series of adjudications and a subsequent arbitration under an NEC4 contract concerning termination and payment.
- Acting for a local authority in an adjudication concerning defective balconies at a residential development.
- *Aqua Leisure International Ltd v Benchmark Leisure Ltd* [2021] BLR 150. Harry appeared for the successful claimant in a case about whether an adjudicator's decision had ceased to become binding pursuant to s.108(3) of the HGCRA as a result of the parties having entered into an agreement "subject to contract".

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- *Buckingham v Luton Airport* (2021), unreported. Harry appeared for the successful claimant in a contested adjudication enforcement hearing in which the defendant argued, unsuccessfully, that it was entitled to have the dispute finally determined via Part 8 declarations.
- *Croudace Homes Ltd v PRB Wiring Solutions Ltd* [2020] EWHC 2139 (TCC). Harry appeared for the successful claimant in a contested adjudication enforcement hearing concerning liability for the adjudicator's fees.
- *Putensen Properties Ltd v Fry* (2020), unreported. An adjudication enforcement hearing. Harry appeared for the successful defendant, the judge accepting Harry's submission that the defendant had a real prospect of establishing at trial that the dispute to which it related arose under three separate contracts.
- *Synergy Gas Services v Northern Gas Heating Ltd* [2018] EWHC 3060 (TCC). The defendant resisted enforcement of an adjudicator's decision on grounds of alleged breaches of natural justice. Harry appeared for the successful claimant.
- *JonJohnstone Construction Ltd v Eagle Building Services Ltd* [2017] EWHC 2225 (TCC). An adjudication enforcement hearing. The defendant resisted enforcement of an adjudicator's decision on the grounds that the decision was made in excess of jurisdiction. Harry appeared for the successful claimant.
- Advice regarding the prospects of an insolvent company in a CVA successfully enforcing an adjudicator's decision.
- Advice regarding the prospects of an insolvent company in administration successfully enforcing an adjudicator's decision.
- Acting for the Welsh Government in an adjudication concerning the construction of a new road.
- A multi-million pound adjudication concerning liability for leaks to a warehouse.
- An adjudication concerning the Grade I-listed residence of billionaire Mohammed Al-Fayed.
- An adjudication concerning a chemicals manufacturing facility.
- An adjudication concerning a defective lighting controls system at Oxford Brookes University.
- A multi-million pound adjudication concerning a project to upgrade a National Grid site (led by Alexander Nissen KC).

Insurance

- Advising and acting for a new home warranty provider in claims concerning defects in new-build residential properties.
- A claim in the London Circuit Commercial Court against the National House Building Council concerning water ingress to the basements of adjoining houses.
- A claim against the National-House Building Council in the High Court (TCC) concerning fire safety and other construction issues in a block of flats.
- Counsel for an insurer in a multi-million pound claim concerning fire safety issues in a housing development.
- 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.
- Advised a building contractor facing a substantial claim from an insurer as to how best to mount a challenge to the insurer's standard terms of business.

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- Represented an insurer in domestic arbitration proceedings concerning a claim for an indemnity in respect of defective work.
- *National House Building Council v Peabody Trust* [2025] EWCA Civ 932. Junior counsel (led by Thomas Grant KC) for NHBC in the Court of Appeal in a case concerning when a cause of action accrues, for limitation purposes, under the insolvency cover of an NHBC Buildmark policy.
- Counsel (led by Sam Townend KC) for a warranty provider in a High Court (TCC) claim against a builder to recover the cost of remedying cladding and fire safety defects in a residential tower.
- A claim in the High Court (TCC) against the National House Building Council concerning fire safety issues in two blocks of flats (led by Sam Townend KC).

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 bonds in the context of a large waste management construction project.
- Advice on the validity of a purported withdrawal of bonds.
- Advised in a dispute concerning the enforcement of a performance bond in circumstances of the contractor's insolvency (led by David Thomas KC).

Reported Cases

- Peabody Trust v National House-Building Council [2024] EWHC 2063 (TCC)
- Aqua Leisure International Limited v Benchmark Leisure Limited [2020] EWHC 3511 (TCC)
- The Lessees and Management Company of Herons Court v NHBC Building Control Services Ltd [2019] EWCA Civ 1423
- Heron's Court v NHBC Building Control Services Ltd [2018] EWHC 3309 (TCC)

Other information

Education & Professional Career

Professional Career

- Advocacy Trainer, Inner Temple
- Tenant, Keating Chambers, 2015

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- Pupil, Keating Chambers, 2014 – 2015
- Called to the Bar, Inner Temple, 2014

Education

- City University, Bar Professional Training Course, 2013 – 2014
- Law LLB, University of Warwick (First Class), 2009 – 2013

Scholarships & Awards

- Worshipful Company of Arbitrators Arbitration Weekend 2015, Best Individual Advocate
- City University Evan Ashfield Memorial Prize
- Inner Temple Major Scholarship

Memberships

- Technology and Construction Bar Association (TECBAR)
- Society of Construction Law (SCL)

Seminars & Publications

- Panellist, 'Other BSA Remedies', Keating Chambers Building Safety Act Symposium, October 2026.
- 'Adjudication Update', CIArb Construction Law Update, April 2026 (co-presented with Harriet Di Francesco).
- Panellist, 'Remediation Orders, Remediation Contribution Orders and Associated Persons', Keating Chambers Building Safety Act Symposium, November 2025.
- 'The Central, 163-165 Iverson Road', Keating Chambers BSA Update, Issue 1, July 2025.
- Panellist, 'The Building Safety Act' (chaired by Mrs Justice Jefford), Keating Chambers Construction Conference, 2025.
- Keating on JCT Contracts, loose-leaf.
- Keating on Construction Contracts, 12th Edition.
- 'A critical look at *Broseley London v Prime Asset*', May 2020
- '*The Terminator's Dilemma*', Practical Law, February 2020
- '*Burning a Bridge*', Practical Law, May 2019
- 'Groving Pains', KC Legal Update, January 2019 (co-authored with Matthew Finn).
- 'Don't wind me up', Practical Law, June 2018.
- 'An erosion of the Fiona Trust "one-stop shop" presumption?', Practical Law, Feb 2018.
- 'Employer couldn't recover overpayments made to contractor'. Practical Law, Feb 2017.

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- ‘Concurrent delay – the “Saga” continues’, Practical Law, Aug 2016.
- ‘Estoppel by convention: a shield or a sword?’, Practical Law, Oct 2015.

Recommendations

“He is a great barrister and advocate.”

Construction, Chambers & Partners UK Bar 2027

“He is excellent; technically accurate and very user-friendly.”

Construction, Chambers & Partners UK Bar 2027

“He is responsive, with a great work ethic, and is quick to command the issues driving the dispute to deliver client-focused outcomes.”

Construction, Chambers & Partners UK Bar 2027

“Harry Smith is exceptionally good on his feet and has great strategic vision.”

Construction: Professional Negligence, Chambers & Partners UK Bar 2027

“Harry Smith is very good.”

Construction: Professional Negligence, Chambers & Partners UK Bar 2027

“Harry is a quality junior with a responsive style, producing comprehensive documents and digestible advice for clients.”

Construction: Professional Negligence, Chambers & Partners UK Bar 2027

“Harry Smith is what you want from a junior counsel. He is responsive, has a great work ethic, and is quick to command the issues driving the dispute to deliver client-focused outcomes.”

Construction, Legal 500 UK Bar 2027

“Harry is an excellent advocate. Clear and concise, and sharp on his feet.”

Professional Negligence, Legal 500 UK Bar 2027

“Harry's written work is always of the highest quality and provided in a comprehensive and easy to understand manner. Harry is one of the key, and go-to, juniors for construction advice.”

Construction, Legal 500 UK Bar 2026

"He dealt with complex issues and progressed matters very quickly."

Construction, Chambers & Partners UK Bar 2026

"Harry provides clear legal analysis and opinion on technical issues."

Construction, Chambers & Partners UK Bar 2026

"Harry has great technical skills and is responsive to requests for assistance."

Construction, Chambers & Partners UK Bar 2026

"He is a very incisive advocate and an outstanding junior. He has excellent practical experience with construction."

Construction, Chambers & Partners UK Bar 2026

"Harry has strong analytical abilities, exceptional communication and a results-driven approach, all while remaining keenly aware of the case-related commercial realities."

Construction: Professional Negligence, Chambers & Partners UK Bar 2026

"Harry's drafting is clear and well structured."

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Construction: Professional Negligence, Chambers & Partners UK Bar 2026

"Harry is an exceptional advocate, with great technical knowledge and is very approachable."

Construction: Professional Negligence, Chambers & Partners UK Bar 2026

"Harry is very impressive, quick-thinking and knows his stuff."

Construction: Professional Negligence, Chambers & Partners UK Bar 2026

"Harry is amazingly thorough on the papers."

Construction, Chambers & Partners UK Bar 2025

"Harry is very practical, pragmatic and a very hard worker."

Construction, Chambers & Partners UK Bar 2025

"Harry Smith's submission drafting is excellent and his turnaround time is also excellent."

Construction, Chambers & Partners UK Bar 2025

"Harry is pragmatic and excellent with strategy. He communicates very well with commercial clients. Harry is excellent in court and concisely identifies and navigates the relevant issues."

Professional Negligence, Legal 500 UK Bar 2025

"Very bright, lateral thinker, able to condense complexities into something clients can understand, user-friendly. He writes well and is excellent value for money in what is an expensive chambers."

Construction, Legal 500 UK Bar 2025

"Extremely knowledgeable and very responsive from a solicitors perspective. Excellent on paper and on his feet. His calm and methodical advocacy is a great strength."

Construction, Legal 500 UK Bar 2024

"Harry is a tenacious and ferocious advocate."

Construction, Chambers & Partners UK Bar 2024

"Harry is an exceptionally capable barrister. He is excellent technically, both on paper and on his feet, and is very responsive."

Construction, Chambers & Partners UK Bar 2024

"Very knowledgeable and user-friendly."

Construction, Chambers & Partners UK Bar 2024

"Harry is able to pick up complex matters quickly and efficiently, his work product is excellent and his advocacy is a pleasure to watch."

Construction, Chambers & Partners 2023

'Extremely bright, able to evaluate complex technical information and documentation quickly, and make submissions that are clear and easy to understand.'

Construction, Legal 500 2023

"He has developed specialist knowledge in this field and is able to work to extremely tight timescales."

Construction Rising Stars, Legal 500 UK 2022

"His written advice is stellar, matched by his skills in court. Would not hesitate to put Harry's intellect against any other more senior member of the Bar."

Construction Rising Stars, Legal 500 UK 2021