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clerks@keatingchambers.com

Tom Coulson



Call: **2014**

"Tom is a first-rate barrister. Not only is his technical analysis always spot on, he is able to deliver advice, whether in writing or verbally, in exactly the right way. He is exceptional."

Chambers & Partners UK Bar 2024

Clerk Details

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Practice Overview

Tom Coulson has a busy practice in domestic and international construction, engineering, and energy disputes, together with associated professional negligence and insurance matters.

Tom has acted in a number of the most significant and substantial disputes in the TCC in recent years, including *Martlet Homes Ltd v Mulalley & Co Ltd*, the first cladding and fire safety trial in the TCC following the Grenfell Tower fire, *Northumbria Healthcare NHS Foundation Trust v Lendlease Construction (Europe) Ltd*, selected by The Lawyer as one of its 'Top Cases of 2022', and *Equitix v Fox & ors*, a three-week trial in 2021 concerning a energy from waste plant.

Tom is described as "*a rising star at the Construction Bar*" and as having "*significant experience as junior or sole counsel in TCC proceedings*" (Chambers and Partners 2021). He is described as offering "*great analytical skills*" and as "*extremely helpful and proactive not just in terms of legal advice but also strategically*".

Tom is familiar with a wide range of standard forms. He is a contributor to Keating on JCT Contracts, and also has significant experience of the various FIDIC and NEC forms. Tom is also a contributor to Keating on Construction Contracts, Keating on Offshore Construction and Marine Engineering Contracts, and to the Construction Law Reports.

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Recent experience as sole counsel includes:

- The trial of a Part 8 claim in an energy dispute concerning an expert determination (*Empyreal Energy Ltd v Daylighting Power Ltd* [2020] BLR 555.
- Acting for a major homebuilder in the trial of preliminary issues concerning potential liability in tort for economic loss for building defects (*Thomas v Taylor Wimpey* [2019] BLR 382).
- An appeal concerning the relationship between the Part 36 regime and the rules governing amendments (*Bentley Design Consultants Ltd v Sansom* [2018] EWHC 2238 (TCC)).
- Acting for a contractor in a 3-day trial in the TCC.

Recent experience as junior counsel includes:

- A challenge to an international arbitration award arising out of a project to extend a port facility in Jordan (*Soletanche Bachy France SAS v Aqaba Container Terminal (PVT.) Co.* [2019] 1 Lloyd's Rep 431).
- Junior counsel in a 2-week, $300m arbitration arising out of the construction of a natural gas pipeline.
- Appeals to the Court of Appeal concerned with the scope of an employer's implied contractual obligations to obtain planning consent (*Clin v Walter Lilly* [2018] BLR 321) and the requirements of the conservation area regime (*Walter Lilly v Clin* [2021] 1 WLR 2753).
- Appearing in a 3-week, $120m ICC arbitration in Australia arising out of a marine engineering project.

Practice Areas

Construction & Engineering

- Junior counsel in multi-party proceedings arising out of the design and construction of a hospital
- Acting in a dispute concerning defective cladding in a substantial commercial building
- Instructed in proceedings concerning the M&E works in a major public building
- Multi-million US$ dispute arising out of the construction of a power station
- Acted for a contractor in respect of delay and disruption claims arising out of a major engineering project in Australia
- Appeared on behalf of a contractor in a dispute concerning fire-stopping defects in the construction of a new hospital
- Instructed in relation to the construction of a motorway in eastern Europe
- Acting in US$ 1billion dispute concerning the design and construction of a mass transit system in the Middle East
- A final account dispute concerning the construction of a supertall skyscraper in Dubai

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- Acting for an infrastructure contractor in respect of a ground conditions dispute arising out of a tunnelling project

Professional Negligence

Professional negligence disputes represent a significant proportion of Tom's practice. He is regularly instructed (both as sole and junior counsel) in claims involving architects, engineers and surveyors.

Recent examples of Tom's professional negligence work acting as sole counsel include:

- Instructed on behalf of an architectural practice in a c. £3m claim relating to firestopping and related design issues
- Acting for a claimant in a substantial architect's negligence dispute in the TCC (value c. £1m)
- Representing an architect in multi-party proceedings in the TCC (value c. £300k)
- Acting for a claimant in a substantial claim against a structural engineer raising a variety of technical and quantum issues (value c. £200k)
- Representing architectural practice in respect of a claim concerning allegations of negligent design, over-certification and negligent contract administration (value c. £250k)
- Acting on behalf of a major design and build contractor in a series of claims against novated members of the employer's professional team (value c. £1m)
- A claim against a surveyor (value c. £400k)

Recent examples of acting as junior counsel include:

- Acting on behalf of a multi-disciplinary design services provider in multi-party proceedings in the TCC (value c. £7m)
- Instructed in relation to claims against an architect and contract administrator

Tom has a particular interest in policy coverage disputes and other insurance issues and has been instructed to advise in relation to:

- The scope of cover under a professional indemnity policy
- The operation of double insurance and aggregation provisions in a series of disputes arising out of the collapse of commercial premises
- The significance of joint insurance principles in relation to claims following a fire on site
- Claims under new build homes policies

International Arbitration

Tom has acted in a number of substantial international arbitrations under a variety of different arbitral rules in disputes governed by a wide range of governing law. Recent examples include:

- Proceedings in the Commercial Court arising out of a challenge to an award in an international arbitration arising out of a project to extend a port facility in the Middle East

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- An LCIA arbitration arising out of an offshore project (English and Nigerian law)
- Appearing in a 3-week ICC arbitration concerning a major offshore marine engineering project in Australia (Australian law)
- Acting in an arbitration under the SIAC rules arising out of the design and construction of a power station in Cambodia (English law)
- Appearing in a two-week ICC arbitration concerning a major engineering project in Oman (Omani law)
- Appearing in a 5-day DIAC arbitration concerning a supertall skyscraper in Dubai (UAE Law)
- Acting in arbitration proceedings concerning a major transport infrastructure project (UAE law)
- Acting in an ICC arbitration arising out of the construction of a pipeline and associated LNG facilities in north Africa (English law)

Energy & Natural Resources

Examples of recent cases include:

- A dispute concerning the provision and ownership of solar panels
- A dispute concerning the design and performance of a power station in Cambodia
- Proceedings concerning a pipeline and associated LNG facilities in north Africa
- Issues arising out of the design and performance of solar panels
- Dispute concerning delays to a wind farm project
- A series of adjudications concerning a waste-to-energy plant

Offshore Construction & Marine Engineering

Tom is a contributor to *Keating on Construction & Marine Engineering*. Examples of recent cases include:

- A dispute concerning the environmental impact of a harbor dredging project
- An arbitration concerned with the design and construction of a container port
- A dispute arising out of the construction, fabrication and commissioning of an FPSO
- Acting for a contractor in a dispute concerning the construction of a desalination plant

PFI/PPP

Tom has a particular interest in PFI disputes and has significant experience of them, both in adjudication and, increasingly, in High Court proceedings. Examples of recent PFI experience includes:

- A series of adjudications concerning the design and construction of a major new hospital and the applicability of payment deductions
- Multi-party proceedings in the TCC between a project co., building contractor and FM contractor arising out of a PFI project

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- An ongoing dispute concerning the termination of project agreements for the refurbishment and maintenance of local authority housing

Adjudication

Tom has acted in numerous adjudications and is regularly instructed to advise parties in relation to the enforceability of adjudicator's decisions, the operation of the 1996 Act, and in respect of related Part 8 proceedings. Examples of recent experience include:

- Adjudication enforcements: successfully enforcing several adjudicator's decisions in the TCC
- Acted (with Justin Mort QC) in proceedings concerned with the scope of the carve-out from agreement to arbitrate in the JCT forms of contract in respect of "disputes or differences in connection with the enforcement of any decision of an adjudicator": see *Maelor Foods Ltd v Rawlings Consulting (UK) Ltd*[2018] EWHC 1878 (QB); 180 Con L.R. 219
- Instructed to advise on the enforceability of an adjudicator's decision against residential occupiers
- Instructed to advise in relation to an application for a stay of execution in the enforcement of an adjudicator's decision

Public Procurement

Tom has acted as junior counsel in a number of substantial procurement disputes. Examples include:

- A trial of a procurement claim arising out of the purported abandonment of a procurement (*Ryhurst Ltd v Whittington Health NHS Trust* [2020] EWHC 448 (TCC); 189 Con LR 83.
- Acting (as junior to Sarah Hannaford QC) in proceedings concerning the award of contracts to operate the Manchester Metrolink.
- Acting (as junior to Sarah Hannaford QC) in High Court proceedings concerning the award of contracts to construct a major European subsea pipeline.
- Acting (as junior to Fionnuala McCredie QC) in a challenge to the award of contracts for the provision of criminal law legal aid services.
- Instructed as part of the counsel team by the GLD / Treasury Solicitor in a dispute arising out of a procurement conducted by a Government Department.

Reported Cases

- Buckinghamshire Council v FCC Buckinghamshire Limited [2025] EWCA Civ 921
- Martlet Homes Limited v Mulalley & Co. Limited [2022] EWHC 1813 (TCC)
- Clin v Walter Lilly & Co. Ltd [2021] EWCA Civ 136

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- Thomas v Taylor Wimpey Developments [2019] EWHC 1134

Other information

Education & Professional Career

Professional Career

- Tenant, Keating Chambers, 2015
- Pupil, Keating Chambers, 2014-2015

Education

- Bar Professional Training Course, City University, (Outstanding, 4th in year), 2013-2014
- Graduate Diploma in Law, City University (Distinction), 2012-2013
- MSt in Modern British and European History, St Peter's College, Oxford (Distinction), 2011-2012
- BA in Modern History, (Double First) St Peter's College, Oxford 2008-2011

Additional Information

Tom retains a strong interest in history of all types and periods and also enjoys playing Sunday league football.

Appointments & Awards

- Barstow Scholarship, City University, performance on BPTC, 2014
- Bedingfield Scholarship, Gray's Inn 2013
- Runner-up, Maitland Advocacy Prize, 2013
- CPE Award, Gray's Inn 2012
- Domus Scholarship, St Peter's College Oxford 2011
- T W Mason Award, St Peter's College Oxford 2011

Seminars & Publications

- Keating on Construction Contracts 10th edition, contributor (2016).
- Keating on JCT Contracts (loose-leafs)

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- Keating on Offshore Construction and Marine Engineering (2018)
- Keating on NEC3 & NEC4 (forthcoming)
- Construction Law Reports

Recommendations

“He is great for cladding-related claims.”

Construction, Chambers & Partners UK Bar 2027

“Tom is excellent to work with; supremely friendly and diligent, and very clever, delivering very good advice on complex issues.”

Construction, Chambers & Partners UK Bar 2027

“Tom is knowledgeable and a very safe pair of hands. He always produces a good work product.”

Construction, Chambers & Partners UK Bar 2027

“He's brilliant and exceptional. His ability to grasp and assimilate information and move it forward is brilliant.”

Construction: Professional Negligence, Chambers & Partners UK Bar 2027

“Tom Coulson is great to work with.”

Construction: Professional Negligence, Chambers & Partners UK Bar 2027

“Tom's ability to analyze an issue and provide a clear strategic way through is second to none.”

Construction, Legal 500 UK Bar 2027

“Incredibly sharp, knowledgeable, and detail-focused. Great writing and reassuring for clients. Keeps to budget. 10/10! An absolute star that we will use wherever possible.”

Professional Negligence, Legal 500 UK Bar 2027

“Tom is one of solicitors' favourite junior barristers at the construction Bar. His written work is brilliant and he is machine-like in the speed at which he can produce documents.”

Construction, Legal 500 UK Bar 2026

"Tom has proved his ability to get across huge swathes of material, to cross-examine effectively and to prepare concise pleadings which deal with a multitude of knotty issues with incredible clarity."

Construction, Chambers & Partners UK Bar 2026

"Tom Coulson is razor-sharp with his advocacy. He is one of the most user-friendly barristers we use."

Construction, Chambers & Partners UK Bar 2026

"Tom Coulson is my go-to junior on construction disputes. He gives sensible and pragmatic advice."

Construction, Chambers & Partners UK Bar 2026

"Tom Coulson's written work is outstanding. It is some of the best I have seen."

Construction, Chambers & Partners UK Bar 2026

"He is a real star in the making. He is incredibly intelligent and competent."

Construction, Chambers & Partners UK Bar 2026

"He goes the extra mile in terms of going through things in short order. He is able to digest large amounts of information and turn it into practical suggestions and input."

Construction: Professional Negligence, Chambers & Partners UK Bar 2026

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"He cuts through the issues."

Construction, Chambers & Partners UK Bar 2025

"Tom is really clever."

Construction, Chambers & Partners UK Bar 2025

"He provides excellent all-round advice."

Construction, Chambers & Partners UK Bar 2025

"Tom Coulson is very approachable and client-friendly."

Construction, Chambers & Partners UK Bar 2025

"He is highly intelligent, diligent and fantastic to work with."

Construction, Chambers & Partners UK Bar 2025

"Tom is responsive, quickly able to identify the important issues, and excellent with clients."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"Tom's drafting is of the highest standard, and his ability to identify and develop the really key points is second to none."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"An outstanding barrister with exceptional analytical skills."

Construction: Professional Negligence, Chambers & Partners UK Bar 2025

"Tom is highly intelligent and very good in writing and oral advocacy. He is a great construction lawyer who is mature beyond his years. One of top juniors at the construction Bar already."

Construction, Legal 500 UK Bar 2025

"Tom is very intelligent, great on paper, and is developing into a leading advocate."

Professional Negligence, Legal 500 UK Bar 2025

"He is incredibly bright and user-friendly."

Professional Negligence, Chambers & Partners UK Bar 2024

"Tom is a very high-level junior counsel who is able to deal with high-level and complex matters comfortably."

Professional Negligence, Chambers & Partners UK Bar 2024

"Dazzlingly brilliant. He's such a smart guy and a pleasure to deal with."

Construction, Chambers & Partners UK Bar 2024

"Tom is super clever, hard-working and a delight to work with."

Construction, Chambers & Partners UK Bar 2024

"An extremely able junior."

Construction, Chambers & Partners UK Bar 2024

"Tom is a first-rate barrister. Not only is his technical analysis always spot on, he is able to deliver advice, whether in writing or verbally, in exactly the right way. He is exceptional."

Construction, Chambers & Partners UK Bar 2024

"In a team of very talented barristers, Tom stands out as exceptional. His grasp of the facts and the issues is excellent, his written work is excellent and he is a real team player."

Professional Negligence, Legal 500 UK Bar 2024

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"Tom is one of Keating's best juniors who punches well above his weight. He is unbelievably bright, a great strategist and can turn his hand to anything."

Construction, Legal 500 UK Bar 2024

"Tom is an absolute star."

Construction, Legal 500 2023

"He remains a go-to barrister for his exceptional knowledge and analytical skills."

Construction, Chambers & Partners 2022

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

Construction, Chambers & Partners 2021

"He offers great analytical skills and gives clear advice which is invariably spot on. He's brilliant at identifying the key issues and his drafting is on the money too."

Construction, Chambers & Partners 2021