

Ben Graff

Call: 2019



Practice Areas

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

Clerk details

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Practice Overview

Ben has a busy practice across Chambers' specialisms and is regularly involved in disputes arising out of large-scale construction and infrastructure projects and high-value procurement challenges. Ben's cases include domestic and international work. He works with large legal teams and also appears in his own right in the High Court, County Court and as part of his busy adjudication practice. Ben is a contributor to *Keating on JCT Contracts* and is familiar with many other standard form contracts including the NEC and JChemE forms.

Recent highlights include:

- Representing HS2 in (a) two separate procurement challenges brought in relation to a £2.75bn rolling stock contract, the second of which culminated in a 4-week TCC trial in November-December 2022; and (b) *Bechtel Limited v High Speed Two* [2021] EWHC 458 (TCC), a three-week TCC trial which concerned the procurement of a £1bn+ contract for the construction of Old Oak Common Station.
- Two international arbitrations concerning the design and construction of two semi-submersible offshore drilling rigs.
- Defending a building developer against a £10m claim relating to water ingress in 4 blocks of flats.
- Acting as sole counsel in an adjudication, successfully resisting a £1.8m claim for liquidated damages for the allegedly poor performance of an anaerobic digestion plant.
- Acting as sole counsel in the High Court in *Quadro v Creagh* [2021] EWHC 2637 (TCC), seeking to resist the enforcement of an adjudicator's award on the basis of a jurisdictional objection.

Practice Areas

Construction & Engineering

- Representing a building developer in a termination dispute with a contractor in relation to the development of several blocks of flats.
- Defending a building developer against a £10m claim relating to water ingress in 4 blocks of flats.
- Drafted Particulars of Claim on behalf of a building owner against a design and build contractor for problems with overheating in a block of flats.
- Drafted Particulars of Claim on behalf of an employer levying liquidated damages.
- Drafted Particulars of Claim on behalf of a building owner in respect of a defective concrete slab.
- Advised building owner on force majeure provisions in the contract and their application to the Covid-19 pandemic.

- Advised contractor on the compensation event provisions in an NEC3 contract.

Adjudication

- As sole counsel in an adjudication, I successfully resisting a £1.8m claim for liquidated damages for the allegedly poor performance of an anaerobic digestion plant.
- Acting for contractor in payment dispute with sub-contractor regarding the construction of a multi-storey car park.
- Acted as sole counsel in the High Court in *Quadro v Creagh* [2021] EWHC 2637 (TCC), seeking to resist the enforcement of an adjudicator's award on the basis of a jurisdictional objection.
- Drafted a Referral claiming a sum due pursuant to the interim payment terms in the contract and applying for an extension of time for delays caused by Covid-19.
- Drafted a Response submitting that the terms governing the release of the retention were in accordance with the Housing Grants, Construction and Regeneration Act 1996.
- Drafted Particulars of Claim for the enforcement of an adjudicator's award.
- Drafted skeleton argument resisting the enforcement of an adjudicator's award.

Professional Negligence

- Drafted Particulars of Claim against a structural engineer regarding the collapse of a wall.
- Drafted Defence for an architect in relation to a rock fall in Jersey.
- Drafted a Defence on behalf of an architect in respect of a claim that cladding was not compliant with the Building Regulations.

International Arbitration

- I was involved in two related international arbitrations concerning the termination of two contracts for semi-submersible drilling rigs. The claims were collectively worth over £500m.
- Assisted in advising a sub-contractor on the interpretation of final account provisions in a contract for the construction of a power station in South Africa.
- Assisted with trial preparation for an international arbitration regarding the termination of a contract for the provision and operation of a waste-recycling centre.

Public Procurement

- Acted as junior counsel for HS2 in two separate procurement challenges brought in relation to a £2.75bn rolling stock contract, the second of which, brought by Siemens, culminated in a 4-week TCC trial in November-December 2022.

- Acted as junior counsel for HS2 in a three-week trial concerning a challenge brought by Bechtel to the procurement of a construction contract for Old Oak Common Station (led by Sarah Hannaford QC).
- Assisted in drafting a Defence to a claim brought under the Utilities Contracts Regulations 2016 challenging the procurement of a contract for the supply of components for railway tracks (led by Sarah Hannaford QC).
- Assisted in an application for strike out/summary judgment in a claim brought under the Defence and Security Public Contracts Regulations 2011.

Energy & Natural Resources

- Acting for contractor in dispute with sub-contractor concerning the design of a waste energy plant.
- Assisted in advising a sub-contractor on the interpretation of final account provisions in a contract for the construction of a power station in South Africa.
- Assisted with trial preparation for an international arbitration regarding the termination of a contract for the provision and operation of a waste-recycling centre.

Reported Cases

- Siemens Mobility Limited v High Speed Two (HS2) Limited [2023] EWHC 2768 (TCC)
- Quadro Services Ltd v Creagh Concrete Products Ltd [2021] EWHC 2637 (TCC)
- Bechtel Limited v High Speed Two (HS2) Limited [2021] EWHC 458 (TCC)

Other information

Education & Professional Career

Professional Career

- Tenant, Keating Chambers – 2020
- Pupil, Keating Chambers – 2019-2020
- Called to the Bar, Lincoln's Inn – 2019

Education

- Bar Professional Training Course, City University of London – 2016-2017

- Graduate Diploma in Law, City University of London (Distinction) – 2016-2017
- Teacher of Philosophy, Sevenoaks School – 2015-2016
- MPhil in Philosophy, University of Cambridge – 2014-2015
- BA Philosophy and Politics, University of Manchester (First Class Honours) – 2011-2014

Additional Information

Outside of work, Ben is a long suffering Arsenal fan.

Scholarships & Awards

- Denning Scholarship, Lincoln's Inn – 2017
- GDL Scholarship, City University of London – 2016
- Timothy Joyce Masters Studentship, University of Cambridge – 2015
- Michael Polanyi Memorial Results for exceptional results in final year, University of Manchester – 2014
- Michael Polanyi Logic Prize (for top mark in the year in Formal Logic), University of Manchester – 2013

Recommendations

"Ben is a very strong junior in public procurement. He has been involved in some of the biggest procurement cases in the Courts."

Public Procurement, Legal 500 UK Bar 2025
