

# John Steel

Call: 2018



## Practice Areas

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

## Clerk details

### Paul Adams

T: +44 (0)20 7544 2609  
padams@keatingchambers.com

### Amy Barrie

T: +44 (0)20 7544 2797  
abarrie@keatingchambers.com

### Rosina Thomas

T: +44 (0)207 544 2658  
rthomas@keatingchambers.com

### Zoë Arnold

T: +44 (0)207 544 2616  
zarnold@keatingchambers.com

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## Practice Overview

John Steel specialises in domestic and international construction and engineering disputes as well as public procurement.

Recent work has encompassed disputes in energy and natural resources, insurance, professional negligence, and challenges to the award of contracts on a major important national infrastructure project.

Notably, John has been instructed:

- In *MW High Tech Projects UK Limited v Outotec (USA)* acting as junior counsel to Adrian Williamson KC. The case relates to significant projects in the energy sector. This included recently obtaining the strike out of a portion of the claimant's claim: *MW v Outotec* [2023] EWHC 2885 (TCC).
- In the litigation between *Siemens Mobility Limited v HS2* [2023] EWHC 2768 (TCC) acting as junior counsel to Fionnuala McCredie KC.
- In an ongoing major international arbitration in the energy sector worth in excess of £100m.
- As sole counsel in a number of cases relating to adjudication (enforcement and related matters) including *Phelan v Elliots* [2021] EWHC 428 (TCC) and *RHP Merchants v Treforest* [2021] EWHC B40 (TCC).
- As sole counsel on behalf of an international engineering company in a series of matters in the energy industry, spanning both serial adjudications and international arbitration proceedings.
- As sole counsel in respect of an ongoing dispute valued in excess of £1m involving questions of subrogation, co-insurance and technical matters relevant to liability.

John specialises in disputes involving all major forms of construction and engineering contracts, including NEC, IChemE and JCT forms. He is also the co-author of the forthcoming edition of Keating on Offshore Construction and Marine Engineering Contracts.

Prior to tenancy in 2020, John was awarded the Michael Hodge Scholarship by the Inner Temple. He was awarded prizes for essays in the Hudson Prize competition (2020) and the Jane Lemon essay competition (2020), with his entry being subsequently published in the International Construction Law Review ([2022] ICLR 291-301).

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## Practice Areas

### Energy & Natural Resources

John has acted as both sole and junior counsel in respect of a series of high value disputes in the energy sector. Highlights include:

- Acting as sole counsel for a major international engineering firm in adjudication proceedings regarding alleged defects in an energy facility with an ultimate claim value in excess of £1m. This has also involved advising and acting in respect of follow-on proceedings.
- Acting as junior counsel for the defendant in *MW High Tech Projects UK Limited v Outotec (USA)*, recently securing the strike out of part of the claimant's claim said to be worth in the region of £120m: *MW v Outotec* [2023] EWHC 2885 (TCC).
- Acting as junior counsel in international arbitration proceedings in a major dispute in the energy sector of the relevant jurisdiction. The claim value is in excess of £100m, and involves wide-ranging technical issues surround delay, termination and health & safety.
- Advising and acting as lead junior counsel for a major international engineering firm responding to an adjudication claim of circa £7m. The case involved in-depth expert evidence relating to a waste to energy plant. It resulted in success for the engineering firm, who received a net award of circa £1m in its favour. Also advising in the follow-on litigation strategy for the company.

## Construction & Engineering

John has extensive experience of construction and engineering disputes. Recent examples include:

- Acting as sole counsel for an insurer in respect of a subrogated claim worth in excess of £1m. This involved drafting pleadings and advising on a wide range of strategic issues.
- Acting for a main contractor responding to a circa £1m claim in adjudication proceedings. The dispute required detailed submissions on delay and the sequence of the works. It resulted in the Referring party withdrawing its Referral on receipt of the Response.
- Acting as sole counsel in the First Tier Tribunal for a major housebuilder in respect of proceedings under the Building Safety Act. The applicants sought a remediation contribution order.
- Acting for a main contractor responding to a circa £1m claim from a sub-contractor in adjudication proceedings. The dispute required detailed submissions on delay and sequencing and resulted in the Referring party withdrawing its Referral on receipt of the Response.
- Acting for and advising a firm of architects in a successful adjudication claim against a main contractor, following termination. This entailed detailed technical work with the client team. It resulted in a significant win for, and payment to (circa £200k), the architects.
- Acting in respect of matters involving questions of repudiatory breach, a number of which involved questions around the provisions of the NEC3 or JCT standard forms of contract.
- Acting on behalf of management companies advising them in respect of the Building Safety Act, its implications and ongoing remedial works.

## Advocacy

John has appeared in the TCC in a number of matters. Select examples include:

- Appearing on behalf of a claimant in respect of the assessment of damages following default judgment obtaining an order for payment of circa £550,000.00.
- Acting in a number of Case Management conferences in a range of cases including professional negligence claims (involving directions for expert evidence) and wide-ranging defects claims with budgeting for multiple parties.
- Appearing on behalf of the responding party in an application for stay of proceedings following the issue of Pt 7 proceedings: *RHP Merchants v Treforest [2021] EWHC B40 (TCC)*.
- Acting on behalf of a major national house builder in the TCC in order to obtain the strike out.

John acted to enforce adjudication decisions, both in the TCC and county court. Select examples include: Adjudication Enforcement:

- Acting to successfully enforce a decision involving a party in a *CVA in Phelan v Elliots [2021] EWHC 428 (TCC)*
- Acting to successfully enforce the decision involving questions around multiple contracts and breach of natural justice relating to the construction of Fulham FC's Craven Cottage: *DMD Environmental v Mitchell Demolition [2021] H20CL003*.

John has also acted in both the First Tier Tribunal (Property) and County Court:

- Acting on behalf of a major developer in respect of a claim under the Building Safety Act. This involved an application for a building remediation order and obtaining directions for a preliminary issue.
- Acting on behalf of a major national infrastructure provider in respect of claims for damage to property.

### International Arbitration

John has acted in respect of a number of significant disputes in international arbitration proceedings. This has included:

- Acting as junior counsel in international arbitration proceedings in a major dispute in the energy sector of the relevant jurisdiction. The claim value is in excess of £100m, and involves wide-ranging technical issues surrounding delay, termination and health & safety.
- Assisting in drafting pleadings and taking witness statements in a major arbitration dispute relating to an infrastructure project in the Gulf.
- Instructed as junior counsel in respect of a ship-building dispute.

### Public Procurement

John acted as junior counsel in respect of the litigation between Siemens v HS2. This involved a number of interlocutory hearings involving questions of 'knowledge' for the purposes of UCR 2016 application: [2022] EWHC 2451 (TCC) and expert evidence: [2022] EWHC 2190 (TCC) and multiple rounds of applications in order to obtain specific disclosure.

In addition to his work on Siemens v HS2, John has acted:

- As sole counsel to advise a contractor in respect of a potential challenge to the award of a contract under a framework agreement.

- Advising a contractor in respect of the provisions of an award of a contract for the refurbishment of housing stock.
- Assisting in preparing for a hearing involving an application for security for costs and an application to amend.

### Professional Negligence

John has acted for firms of architects and design & build contractors in respect of claims involving allegations of negligence. In addition, John has undertaken work including:

- Acting as sole counsel on behalf of a housebuilder to advance allegations of professional negligence against architects and quantity surveyors.
- Advising a company in respect of a fire at a manufacturing unit. This entailed extensive review of the professional obligations owed by those who built, maintained or inspected the unit prior to the fire.
- Assisting in drafting particulars of claim against an architect as part of a major project to provide performing arts facilities.
- Assisting in advising a client on obtaining an injunction to prohibit solicitors acting for another party in adjudication proceedings. The advice, and subsequent hearing preparation, related to concurrent adjudication proceedings.

### PFI/PPP

Recent examples of John's work in respect of PFI & PPP includes:

- Acting on behalf of a private company engaged to act on behalf of NHS Trust in respect of a major claim against an FM contractor involving questions of termination, fire safety and deductions.
- Acting on behalf of an NHS trust in adjudication proceedings against an FM contractor.

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## Reported Cases

- MW High Tech Projects UK Limited v Outotec (USA) Inc Metso OYJ [2023] EWHC 2885 (TCC)
- Siemens Mobility Limited v High Speed Two (HS2) Limited [2023] EWHC 2768 (TCC)
- DMD Environmental Limited v Mitchell Demolition Limited [H20CL003] CLCC (TCC List)
- Phelan Construction v Elliots Construction Limited [2021] EWHC 428 (TCC)
- Outotec (USA) Inc & Anor v MW High Tech Projects UK Limited [2024] EWCA Civ 844

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## Other information

## Education & Professional Career

### Professional Career

- Tenant, Keating Chambers: 2020
- Pupil, Keating Chambers: 2019 – 2020
- Called to the Bar. Inner Temple: 2018
- Peters & Peters LLP (Commercial Litigation): 2017
- Legal Intern, Hausfeld & Co LLP (Competition and Commercial Litigation): 2016

### Education

- GDL & BPTC at City Law School, London: 2016 and 2018
- MA International Peace and Security, King's College London: 2013 – 2014
- MA History, University of Edinburgh: 2009 – 2013
- Newcastle Royal Grammar School: 2002 – 2009

## Additional Information

John is a keen runner, cross country skier and passionate football player and supporter of Newcastle United.

## Appointments & Awards

- Jane Lemon QC Memorial Prize, 2nd Place (*"Bribes for Contracts, and Contracts for Bribes" – Comparative analysis of English and French law on bribery, contracts and arbitration*)
- Society for Construction Law Hudson Prize, 2nd place 2019 (*"A Ticket to the South of France or Rough Justice? Construing Ambiguity in Manchikalapati v Zurich Insurance" – the essay assessed the Court of Appeal decision in Manchikalapati v Zurich Insurance*)
- Michael Hodge Scholarship awarded by the Inner Temple 2017 (*Full Tuition on the BPTC and living expenses.*)
- Crown Office Moot Finalist/City University Essay finalist on GDL 2016