

# Youcef Boussabaine

Call: 2023



## Clerk Details

### Jamie Clack

T: +44 (0)20 7544 2696

jclack@keatingchambers.com

### Rosina Thomas

T: +44 (0)207 544 2658

rthomas@keatingchambers.com

### Erva Turjaka

T: +44 (0)20 7544 2616

eturjaka@keatingchambers.com

## Practice Overview

Youcef specialises in Chambers' core practice areas, including construction & engineering, infrastructure, energy, international arbitration, and technology.

He has substantial experience with all common standard forms including JCT, NEC, FIDIC, and bespoke construction contracts, as well as PFI agreements, guarantees and bonds. He is also a contributor to *Keating on Construction Contracts*.

Youcef regularly represents clients in the High Court, County Court and in adjudications in his own right. Youcef has recently:

- acted as sole counsel in a one-day trial involving allegations of fraud and procuring breach of contract.
- acted as sole counsel in the High Court (TCC) on an application to enforce an adjudicator's decision, opposed on grounds of fraud.
- acted as sole counsel in the TCC successfully resisting enforcement of an adjudicator's decision in favour of an insolvent contractor on the ground that the security offered for the claimant's cross-claim was inadequate.

- acted on behalf of a public authority in a c. £10 million adjudication concerning project handover in a PFI contract (led by Sarah Hannaford KC).
- acted on behalf of a national developer in a c. £8 million adjudication concerning the reasonable settlement of a claim in relation to unsafe cladding and other fire safety defects in residential tower blocks (led by Paul Bury).
- acted on behalf of a major main contractor in an adjudication, successfully obtaining declaratory relief in relation to the allocation of risk arising from the discovery of an unforeseen steel structure (led by Tom Lazur).
- assisted Adrian Williamson KC, Paul Bury and John Steel in the Court of Appeal in relation to (1) Outotec (USA) Inc (2) Metso OYJ (formerly Metso Outotec OYJ) v MW High Tech Projects UK Limited [2024] EWCA Civ 844.
- assisted on one of the first building liability order applications due to be heard in the TCC.
- assisted on an international arbitration in relation to a desalination plant in the Middle East with a claim value in excess of \$25 million.

Before coming to the Bar, Youcef studied law at the Queen's College, Oxford, graduating with a First, and was awarded a number of prizes during his time at Oxford, including the Littleton Chambers Prize in Labour Law for best performance in Finals. Prior to joining Chambers, Youcef was a non-stipendiary lecturer in Contract and Land Law at Christ Church College, Oxford and the Queen's College, Oxford, respectively.

Youcef accepts instructions to advise, draft pleadings and represent clients in relation to a broad range of commercial matters, with an emphasis upon construction, engineering, professional negligence and energy disputes.

## Practice Areas

### Advocacy

- Acted as sole counsel in a one-day trial involving allegations of fraud and procuring breach of contract.
- Acted as sole counsel in the High Court (TCC) on an application to enforce an adjudicator's decision, opposed on grounds of fraud.
- Acted as sole counsel in the TCC successfully resisting enforcement of an adjudicator's decision in favour of an insolvent contractor on the ground that the security offered for the claimant's cross-claim was inadequate.
- Acted as sole counsel in an application for summary judgment in relation to a payment dispute.
- Successfully resisted permission to appeal and obtained costs in the County Court on the basis of abuse of process.

### Construction & Engineering

- Drafted a number of Particulars of Claim in relation to fire safety disputes in which various causes of action were alleged including claims under the Defective Premises Act 1972, breach of contract and professional negligence.
- Drafted a Particulars of Claim on behalf of a national distributor of electricity claiming the proper sum due on the final account in relation to an NEC3 contract.
- Drafted a Defence and Counterclaim on behalf of a national gym chain in relation to soundproofing defects.
- Drafted a Defence on behalf of a geotechnical consultancy in relation to a dispute concerning assignment, the identity of the relevant contracting party and causation.
- Drafted a Particulars of Claim on behalf of an owner, developer and operator of hotels internationally for breach of contract against a building contractor for the supply and installation of defective screed.
- Drafted the Particulars of Claim and Reply on behalf of a UK owned international clothing chain for breach of contract against a construction company for the design and installation of a defective roof.
- Advised a building and engineering services contractor on limitation issues arising out of a potential claim for breach of contract/negligence against a supplier of boilers.
- Drafted a Defence on behalf of a sole trader against whom various defects were alleged in relation to the installation of windows at a residential home.

### Professional Negligence

- Drafted a number of Particulars of Claim in relation to fire safety disputes in which professional negligence was alleged.
- Drafted a Particulars of Claim against an electrical sub-contractor alleging it had carried out electrical installation works negligently causing extensive fire damage to a residential property.
- Drafted a Particulars of Claim against a sole trader for the defective installation of a canopy ceiling.
- Advised a major construction contractor in relation to a claim intimated against it concerning liability for pure economic loss and physical damage in respect of a large residential development damaged by fire.

### Adjudication

- Acted as junior counsel on a c. £10 million adjudication concerning project handover in a PFI contract (led by Sarah Hannaford KC).
- Acted as junior counsel on behalf of a public authority in responding to a 'smash and grab' adjudication worth c. £2 million (led by Tom Coulson).
- Acted on behalf of a major main contractor in an adjudication concerning fire safety defects in residential tower blocks (led by James Frampton), successfully obtaining a decision that the main contractor was properly entitled to c. £350k in relation to those defects.
- Drafted the responding party's submissions, as sole counsel, in a series of 'smash and grab' adjudications concerning large residential developments. Successfully obtained a number of decisions that the referring party was not entitled to any

payment whatsoever.

- Drafted a skeleton argument in support of an application to the High Court for summary judgment to enforce an adjudicator's decision.
- Drafted a Referral Notice on behalf of a major construction contractor in relation to a fire safety claim in excess of £10 million concerning issues of assignment, limitation and defects.
- Drafted a Referral Notice on behalf of a major property developer in relation to alleged structural design defects at a large residential development.

## Arbitration

- Assisted in drafting the closing submissions in an international arbitration in relation to a desalination plant in the Middle East with a claim value in excess of \$25 million.

## Litigation

- Assisted Adrian Williamson KC, Paul Bury and John Steel in the Court of Appeal in relation to (1) Outotec (USA) Inc (2) Metso OYJ (formerly Metso Outotec OYJ) v MW High Tech Projects UK Limited [2024] EWCA Civ 844.
- Assisted on one of the first building liability order applications due to be heard in the Technology and Construction Court.
- Drafted a Skeleton Argument seeking strike out of a fraudulent misrepresentation claim against a council on the basis that the claim was time-barred and precluded by exclusion clauses in the contract.
- Drafted a Skeleton Argument, Order and Claim Form in support of an application to the High Court to obtain an interim prohibitory injunction to prevent trespass and property damage.
- Drafted a Skeleton Argument in support of an application for an interim mandatory injunction in the High Court for delivery up of drawings, documents and software relating to an ongoing project, whilst resisting a cross application for a stay of proceedings under section 9 Arbitration Act 1996.
- Drafted a Skeleton Argument on behalf of a contractor for an adjudication enforcement in the context of allegations made by the defendant developer that the adjudicator acted in breach of the principles of natural justice.
- Advised on the proper construction of a settlement agreement arising out of a large mixed-use development in Nottingham.

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## Other information

### Education & Professional Career

- Tenant, Keating Chambers – 2024

- Pupil, Keating Chambers – 2023-2024
- Called to the Bar, Inner Temple – 2023
- Bar Professional Training Course, University of Law – 2022
- Non-stipendiary lecturer in Land law, the Queen's College, Oxford – 2022
- Bachelor of Civil Law, University of Oxford – 2021
- Non-stipendiary lecturer in Contract law, Christ Church College, Oxford – 2020
- Bachelor of Law, University of Oxford (First Class) – 2019

#### Additional Information

Outside of work, Youcef can usually be found struggling to make a decent backhand on a tennis court. He is also a keen cyclist and hiker and is always looking for new routes to explore.

#### Awards and Scholarships

- Littleton Chambers Prize for best performance in Labour Law.
  - Mander Law Prize, for best performance in Finals at the Queen's College, Oxford
  - Michel Junior Prize
  - The Queen's College Taberdarship
  - The Aziz Foundation Scholarship
  - Inner Temple Major Scholarship
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