Youcef Boussabaine

Call: **2023**



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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 (TCC), the County Court and in adjudications as junior counsel or in his own right. Recent highlights include acting:

- for a national housebuilder in c. £53 million TCC proceedings against a structural engineer, its associated companies and the parent companies of a design and build contractor, concerning structural defects in the concrete frame of a large residential development, including claims for building liability orders under the Building Safety Act 2022 (led by Paul Bury);
- for a national housebuilder in an adjudication to recover c. £7.3 million (including interest) paid in settlement of claims for fire safety defects in the external walls of a residential block, in which the client was awarded c. £4.7 million, and in subsequent

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TCC proceedings for building liability orders against the contractor's parent companies (led by Paul Bury);

- for a tier-1 contractor and its parent company in c. £9.6 million TCC proceedings concerning alleged cavity barrier and other external wall fire safety defects at a student accommodation development, including claims under the Defective Premises Act 1972 and for a building liability order (led by Tom Lazur);
- for a public authority in a prospective c. £16.6 million claim against a tier-1 contractor and its parent company concerning water ingress, cavity barrier and other defects at a school (led by Tom Coulson);
- for a main contractor in a c. £15 million adjudication concerning its final account, extension of time and loss and expense claims on a mixed-use residential development (led by James Frampton);
- as sole counsel, successfully resisting summary judgment to enforce an adjudicator's decision obtained by a contractor in administration, on the grounds of its insolvency and the employer's c. £750k liquidated damages cross-claim, with costs;
- as sole counsel for a national housebuilder in an adjudication concerning the valuation of the omission of c. £1.4 million of fire safety works from a remediation subcontract, obtaining a decision largely in the client's favour; and
- as sole counsel for a national housebuilder in First-tier Tribunal proceedings for a c. £750k remediation contribution order under the Building Safety Act 2022.

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, building safety, professional negligence and energy disputes.

Practice Areas

Advocacy

- One-day trial (County Court). Appeared as sole counsel for a building contractor against a homeowner who counterclaimed c. £41k for alleged defects and overcharging. Having successfully resisted the homeowner's attempt to widen the counterclaim, and a late application to adduce new expert evidence (withdrawn at an earlier hearing), obtained judgment on the claim, dismissal of the counterclaim in its entirety and the client's costs.
- One-day trial (County Court). Appeared as sole counsel in a one-day trial for a renovation project management company in a claim involving allegations of fraud and procuring breach of contract.
- Adjudication enforcement (County Court at Central London, TCC list). Appeared as sole counsel for an employer and successfully resisted an application for summary judgment by a contractor in administration to enforce a c. £135k

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adjudicator's decision, on the grounds of the contractor's insolvency and the employer's c. £750k liquidated damages cross-claim.

- Adjudication enforcement (High Court, TCC). Acted as sole counsel for a contractor on an application for summary judgment to enforce a c. £240k adjudicator's decision, which the employer resisted on grounds of alleged fraud and, alternatively, by seeking a stay of execution.
- CCMC (High Court, TCC). Appeared as sole counsel for the claimant in a c. £205k claim for the balance of its final account on a c. £2 million residential refurbishment. Successfully resisted the defendants' request for an immediate stay for ADR, obtaining the claimant's proposed sequencing (exchange of Scott Schedules, then a stay for mediation or other ADR), together with an order that the defendants pay the costs of the Reply in any event.
- Permission to appeal hearing (County Court at Central London). Appeared as sole counsel for the respondents and successfully resisted a renewed application for permission to appeal against the strike out of a claim as an abuse of process, obtaining an order for the respondents' costs.
- Acted as sole counsel in an application for summary judgment in relation to a payment dispute.

Construction & Engineering

- Acting for a major contractor in administration (led by Tom Coulson) in c. £4 million TCC proceedings against its roofing subcontractor and its novated architect and structural engineer concerning defective structural insulated panel (SIP) roofs at a special educational needs school. Drafted the Replies to both Defences, including a plea of deliberate concealment under s.32(1)(b) of the Limitation Act 1980 against the subcontractor.
- Acting for a public authority in a prospective c. £16.6 million claim against a tier-1 contractor and its parent company concerning water ingress, cavity barrier and other defects at a school. Drafted the Particulars of Claim.
- Acting for a county council (led by William Webb KC and Gideon Scott Holland), as defendant and counterclaimant, in linked TCC claims brought by PFI project companies concerning alleged defects (including fire safety, acoustic and structural defects) across a portfolio of PFI schools.
- As a pupil, assisted Adrian Williamson KC, Paul Bury and John Steel in the Court of Appeal in (1) Outotec (USA) Inc (2) Metso OYJ (formerly Metso Outotec OYJ) v MW High Tech Projects UK Limited [2024] EWCA Civ 844, concerning whether a c. £167 million misrepresentation claim arising out of an energy-from-waste project was an abuse of process.

Building Safety

- Acting for a national housebuilder (led by Paul Bury) in c. £53 million TCC proceedings concerning inadequate reinforcement in the concrete frame of a large residential development, including claims under the Defective Premises Act 1972 against the structural engineer and claims for building liability orders under the Building Safety Act 2022 against its associated companies and the parent companies of the design and build contractor. Drafted the Particulars of Claim and the Reply.
- Acted for a national housebuilder (led by Paul Bury) in an adjudication to recover c. £7.3 million (including interest) paid in settlement of claims for fire safety defects (combustible insulation, non-compliant cladding and missing cavity barriers) in the external walls of a residential block, obtaining an award of c. £4.7 million. Now acting in TCC proceedings for building liability

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orders under the Building Safety Act 2022 against the contractor's parent companies, following its administration.

- Acting for a tier-1 contractor and its parent company (led by Tom Lazur) in c. £9.6 million TCC proceedings concerning alleged cavity barrier and other external wall fire safety defects at a student accommodation development, including claims under s.1 of the Defective Premises Act 1972 and for a building liability order against the parent company. Drafted the Defence, which raises issues including functional compliance with the Building Regulations and limitation.
- Acting as sole counsel for a national housebuilder in First-tier Tribunal proceedings for a c. £0.74 million remediation contribution order under s.124 of the Building Safety Act 2022, which raise issues as to the recoverability of pre-Act and legal costs.

Professional Negligence

- Acted foran architect in c. £7.35 million TCC proceedings (led by Krista Lee KC) in which a main contractor claimed an indemnity or contribution in respect of fire safety and other defects in a window system and inadequate fire protection to structural steelwork at a mixed-use development, the defence being that the claim had been compromised by the settlement of earlier TCC proceedings, alternatively was an abuse of process.
- Acted for a homeowner in a c. £245k professional negligence claim against an architectural design practice arising from inconsistent planning drawings and a defective waterproofing design.

Adjudication

- Acted as sole counsel for a national housebuilder in an adjudication concerning the valuation of the omission of c. £1.4 million of internal fire safety works from a remediation subcontract at occupied residential buildings partly within the higher-risk building regime. Drafted all the submissions and successfully obtained a valuation c. £300k more favourable than the referring party's case, with the referring party ordered to bear the majority of the adjudicator's fees.
- Acting for a main contractor (led by James Frampton) in a c. £15 million 'true value' adjudication brought by the employer in respect of the contractor's final account claims, including for extensions of time, loss and expense and head office overheads, on a mixed-use residential development. Drafted sections of the Response and Rejoinder.
- Acted for a public authority (led by Sarah Hannaford KC) in an adjudication concerning the survey on expiry of a 20-year PFI contract and the authority's entitlement to retain c. £25 million from the unitary charge to fund rectification and maintenance works.
- Acted for a main contractor (led by Tom Lazur) in an adjudication concerning the remediation of the façade of a c. 56m residential tower, successfully obtaining every declaration sought as to the allocation of risk arising from the discovery of an unforeseen steel structure, with the employer ordered to bear the adjudicator's fees in full. Subsequently acted (successfully) in a further adjudication seeking an additional 461 days' extension of time.
- Acted for a main contractor (led by James Frampton) in a c. £1.1 million adjudication against its M&E subcontractor concerning combustible materials (sprinkler pipework and insulation) on the balconies and walkways of a residential development with storeys above 18m.

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- Acted for an NHS foundation trust (led by Tom Coulson) in responding to a c. £1.8 million ‘smash and grab’ adjudication arising out of the recladding of a hospital building.

Arbitration

- Acted for an employer (led by Tom Lazur) in a domestic arbitration concerning the termination of a contract for the construction of a food production facility, involving a claim of c. £1.3 million and a counterclaim of c. £7 million for defects (including the cost of demolition and rebuilding), loss of rent and liquidated damages. Drafted the employer’s application to amend its pleaded case
- 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.

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

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- The Aziz Foundation Scholarship
- Inner Temple Major Scholarship
