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## PAUL BURY

Call: 2008

[pbury@keatingchambers.com](mailto:pbury@keatingchambers.com)

### Areas of Practice

- Construction & Engineering
- Energy & Natural Resources
- Infrastructure & Utilities
- International Arbitration
- Offshore Construction & Marine Engineering
- Professional Negligence
- Property

### Clerks' Details

**Declan Redmond**

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E: [dredmond@keatingchambers.com](mailto:dredmond@keatingchambers.com)

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T: +44 (0)20 7544 2712  
E: [wshrubsall@keatingchambers.com](mailto:wshrubsall@keatingchambers.com)

**Jade Clark**

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**Amy Barrie**

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### Practice Overview

Paul Bury is a specialist in domestic and international commercial construction, offshore, energy, professional negligence, insurance, infrastructure projects, and regulatory law.

Paul acts in a broad range of disputes ranging from highly complex and high-value international arbitration and High Court proceedings to claims in domestic arbitration and the County Courts. Paul has gained particular expertise in cases involving issues of delay and disruption and contractual termination including *Bluewater Energy Services BV v Mercon Steel Structures BV* and *Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd* and adjudication including *Eurocom v Siemens*. Paul also has extensive knowledge of the JCT, NEC, IChemE Red Book and FIDIC standard form contracts and of the offshore LOGIC and SAJ forms.

Paul regularly represents clients in court in his own right and has conducted several multi-track trials in the County Court, applications, CMCs and adjudication work in the High Court and numerous County Court fast-track and small claims trials relating both to construction and other matters, as well as mediations. Paul has also advised on the merits of claims in contract, tort and restitution for employers, professionals and contractors and on tactical and procedural issues. Paul has experience of drafting pleadings in all forms of dispute resolution, including for proceedings in the High Court, County Court, arbitration (in particular ICC, LCIA and UNCITRAL) and adjudication. Paul's international arbitration practice has seen him act for clients on projects based in jurisdictions such as Dubai, Hong Kong, South Korea, China,

Qatar and Nigeria.

Having previously worked for a leading international law firm in Brussels on complex regulatory issues involving blue-chip international companies, Paul is adept at taking a commercial approach to legal issues and dispute resolution and receives praise from clients for his ability “to penetrate difficult details”. He comes recommended in the legal directories for construction and international arbitration and is described as “undoubtedly a star of the future”. Paul is also recommended in the Legal 500 EMEA guide for his work in the Middle East and Africa.

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## Recent Cases

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### Construction & Engineering

- Drafted pleadings and instructed to act as Junior Counsel for a buyer in a \$600m LCIA arbitration dispute relation to the termination of a contract for the construction of a pipe-laying vessel in China.
- Acted as Junior Counsel for a buyer in a \$500m arbitration dispute relating to the termination of a contract based on the SAJ form for the construction of drillship in South Korea involving issues of defects, delay and alleged acts of prevention.
- Drafted pleadings and instructed to act as Counsel in a multi-party High Court (TCC) claim defending a design and build contractor against alleged fire break defects.
- Drafted pleadings and instructed to act as Counsel in a High Court (TCC) claim defending an architect against allegations of professional negligence for the submission of designs for planning permission.
- Drafted pleadings and instructed to act as Junior Counsel in a High Court (TCC) dispute for a fabrication contractor in relation to the final account for various oil and gas production platforms in the North Sea.
- Drafted pleadings and instructed to act as Junior Counsel in a High Court (TCC) dispute for a contractor in relation to the final account under a contract based on the LOGIC form for the upgrade and hook-up of oil and gas production platforms in the North Sea.
- Instructed in several separate disputes in both adjudication and arbitration regarding the Take-Over and Acceptance criteria for various biomass plants.
- Acted as Junior Counsel in an ICC arbitration defending a claim by an M&E subcontractor concerning termination of the subcontract relating to work on a polysilicon plant in Qatar.
- Instructed to settle the Particulars of Claim and obtaining judgment in default in a £75m claim against the design engineers responsible for the design and construction of mechanical biological treatment facilities for household waste in Greater Manchester. Acting as Junior Counsel in the follow-on arbitration claims against the insurer under the Third Parties (Rights Against Insurers) Act.

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*“Really excellent, user friendly and comes across as relaxed even when the pressure is at its greatest.”*

Legal 500 UK 2018

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- Acted as Junior Counsel and drafted pleadings in an ICC arbitration for an employer against a main contractor relating to the engineering, procurement and construction of a polysilicon plant in Qatar involving issues of delay and technical issues of water treatment.
- Acted as Junior Counsel and drafted pleadings for a marine engineering firm in a LCIA arbitration relating to the construction and installation of pipelines off the coast of Nigeria involving variations and disruption claims.
- Acted as Junior Counsel for the contractor in a five-week trial in the High Court (TCC)

concerning a Soft Yoke Mooring System for oil tankers in the Caspian Sea under an amended LOGIC contract involving issues of termination of the contract, concurrent delay and prevention (Bluewater Energy Services BV v Mercon Steel Structures BV).

- Acted as Junior Counsel for the employer in a three-week trial in the High Court (TCC) concerning a biomass fuel plant in North East England under the IChemE Red Book contract and involving issues of termination of Contract and delay (Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd).
- Instructed to draft pleadings and appear in Case Management Conferences in relation to a High Court (TCC) dispute over the final account for a maintenance contract for the upkeep of properties in the North East of England.
- Instructed to draft pleadings and appear as Junior Counsel in relation to a High Court (TCC) dispute over the final account of a contract for the maintenance of a portfolio of HMRC buildings across the UK.
- Acted as Counsel in an adjudication for a multinational engineering company defending a global claim for disruption damages and alleged repudiatory breach (Eurocom v Siemens).
- Acted as part of the Counsel team in a multi-million pound construction arbitration concerning the redevelopment of accommodation at a British naval base under a Target Price contract involving disputes over interim payments and variations, including ground conditions.
- Instructed as part of the Counsel team in preparation of a substantial claim in arbitration relating to engineering issues with a bridge in Hong Kong.
- Appeared in several County Court trials, drafted pleadings and advisory work on construction disputes including final account disputes, termination, delay and disruption claims and disputes over variations and allegations of defective works.

### Energy & Natural Resources

Substantial expertise in disputes relating to onshore energy and waste plants, and offshore energy infrastructure, including oil and gas production platforms, drillships and pipelaying vessels, and wind and solar farms.

- Drafted pleadings and instructed to act as Junior Counsel for a buyer in a \$600m LCIA arbitration dispute relating to the termination of a contract for the construction of a pipe-laying vessel in China.
- Acted as Junior Counsel for a buyer in a \$500m arbitration dispute relation to the termination of a contract based on the SAJ form for the construction of drillship in South Korea involving issues of defects, delay and alleged acts of prevention.

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*“Gracious and on top of the information.”*

Chambers UK Bar 2019

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- Drafted pleadings and instructed to act as Junior Counsel in a High Court (TCC) dispute for a fabrication contractor in relation to the final account for various oil and gas production platforms in the North Sea.
- Drafted pleadings and instructed to act as Junior Counsel in a High Court (TCC) dispute for a contractor in relation to the final account under a contract based on the LOGIC form for the upgrade and hook-up of oil and gas production platforms in the North Sea.
- Instructed in several separate disputes in both adjudication and arbitration regarding the Take-Over and Acceptance criteria for various biomass plants.
- Acted as Junior Counsel in an ICC arbitration defending a claim by an M&E subcontractor concerning termination of the subcontract relating to work on a polysilicon plant in Qatar.
- Instructed to settle the Particulars of Claim and obtained judgment in default in a £75m claim against the design engineers responsible for the design and construction of mechanical biological treatment facilities for household waste in Greater Manchester. Acting as Junior

Counsel in the follow-on arbitration claims against the insurer under the Third Parties (Rights Against Insurers) Act.

- Acted as Junior Counsel and drafted pleadings in an ICC arbitration for an employer against a main contractor relating to the engineering, procurement and construction of a polysilicon plant in Qatar involving issues of delay and technical issues of water treatment.
- Acted as Junior Counsel and drafted pleadings for a marine engineering firm in a LCIA arbitration relating to the construction and installation of pipelines off the coast of Nigeria involving variations and disruption claims. Acted as Counsel defending electrical engineering professionals in a £12m adjudication concerning the installation and connection of solar panel farms at various locations in the South West of England.
- Acted as Junior Counsel for the contractor in a five-week trial in the High Court (TCC) concerning a Soft Yoke Mooring System for oil tankers in the Caspian Sea under an amended LOGIC contract involving issues of termination of the Contract, concurrent delay and prevention (Bluewater Energy Services BV v Mercon Steel Structures BV).
- Acted as Junior Counsel for the employer in a three-week trial in the High Court (TCC) concerning a biomass fuel plant in North East England under the IChemE Red Book contract and involving issues of termination of Contract and delay (Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd).
- Acted as Junior Counsel and drafted pleadings in a LCIA Arbitration relating to the final account for the installation of components for a wind farm off the coast of North East England involving issues of delay, variations and defects.
- Advised and drafted correspondence for a major construction company in relation to a claim concerning duty of care in tort, and statutory duties under the Gas Act, and various Gas Regulations.

### International Arbitration

Expertise in international and domestic arbitrations under various rules including ICC, LCIA, UNCITRAL and CIMAR.

- Drafted pleadings and instructed to act as Junior Counsel for a buyer in a \$600m LCIA arbitration dispute relation to the termination of a contract for the construction of a pipe-laying vessel in China.
- Acted as Junior Counsel for a buyer in a \$500m arbitration dispute relation to the termination of a contract based on the SAJ form for the construction of drillship in South Korea involving issues of defects, delay and alleged acts of prevention.
- Acted as Junior Counsel in an ICC arbitration defending a claim by an M&E subcontractor concerning termination of the subcontract relating to work on a polysilicon plant in Qatar.
- Instructed to draft pleadings and act as Junior Counsel in an ICC arbitration against a main contractor relating to the engineering, procurement and construction of a polysilicon plant in Qatar involving issues of delay.
- Instructed to draft pleadings and act as Junior Counsel in a LCIA arbitration relating to the construction and installation of pipelines off the coast of Nigeria involving variations and disruption claims.
- Acted as Junior Counsel and drafted pleadings in a LCIA Arbitration relating to the final account for the installation of components for a wind farm off the coast of North East England involving issues of delay, variations and defects.

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*“Shows judgement and ability far beyond his year of call.”*

Legal 500 2018

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## Offshore Construction & Marine Engineering

- Drafted pleadings and instructed to act as Junior Counsel for a buyer in a \$600m LCIA arbitration dispute relation to the termination of a contract for the construction of a pipe-laying vessel in China.
- Acted as Junior Counsel for a buyer in a \$500m arbitration dispute relation to the termination of a contract based on the SAJ form for the construction of drillship in South Korea involving issues of defects, delay and alleged acts of prevention.
- Drafted pleadings and instructed to act as Junior Counsel in a High Court (TCC) dispute for a fabrication contractor in relation to the final account for various oil and gas production platforms in the North Sea.
- Drafted pleadings and instructed to act as Junior Counsel in a High Court (TCC) dispute for a contractor in relation to the final account under a contract based on the LOGIC form for the upgrade and hook-up of oil and gas production platforms in the North Sea.
- Acted as Junior Counsel and drafted pleadings for a marine engineering firm in a LCIA arbitration relating to the construction and installation of pipelines off the coast of Nigeria involving variations and disruption claims. Acted as Junior Counsel for the contractor in a five-week trial in the High Court (TCC) concerning a Soft Yoke Mooring System for oil tankers in the Caspian Sea under an amended LOGIC contract involving issues of termination of the Contract, concurrent delay and prevention (Bluewater Energy Services BV v Mercon Steel Structures BV).
- Acted as Junior Counsel and drafted pleadings in a LCIA Arbitration relating to the final account for the installation of components for a wind farm off the coast of North East England involving issues of delay, variations and defects.
- Instructed to draft pleadings and appear at the Case Management Conference as Counsel and as Junior Counsel in a specific disclosure application in a High Court (TCC) dispute over the supply of mooring chains for Ministry of Defence vessels (Serco Ltd v Fendercare Ltd).

## Professional Negligence

Regularly acts for and advises in claims against professionals, including contractors with design obligations, architects, and surveyors, encompassing professional negligence issues and questions of insurance coverage.

- Drafted pleadings and instructed to act as Counsel in a High Court (TCC) claim defending an architect against allegations of professional negligence for the submission of designs for planning permission.
- Drafted pleadings and instructed to act as Counsel in a multi-party High Court (TCC) claim defending a design and build contractor against alleged fire break defects.
- Acted as Counsel defending electrical engineering professionals in a £12m professional negligence adjudication concerning the installation and connection of solar panel farms at various locations in the South West of England.
- Advised and drafted proceedings relating to an architect's design and supervision requirements for the construction of a hospital in Coventry.
- Instructed to settle the Particulars of Claim in a £75m claim against the design engineers responsible for the design and construction of mechanical biological treatment facilities for household waste in Greater Manchester; instructed in the follow-on action under the Third Parties (Rights Against Insurers) Act against insurance underwriters.
- Instructed to act for the groundworks engineer in relation to the failure of underpinning at a construction site in Hackney, London.
- Instructed to settle the Particulars of Claim in a £10m claim against piling sub-contractors involving issues under the Unfair Contract Terms Act and geotechnical expert evidence.
- Counsel in a four day multi-track trial successfully recovering unpaid architect's fees. The dispute included defending a counterclaim for the architect's professional negligence and an architect's responsibility for delays to a construction project including expert evidence on professional negligence and consideration of the RIBA Conditions for Appointment for a Domestic Project contract.
- Drafted pleadings and advised in numerous claims for and against architects with allegations of unpaid invoices, breach of duty to supervise and professional negligence in design.

## Adjudication

- Acted as Junior Counsel to resist enforcement of an adjudication decision where the nomination was obtained by a very strong prima facie case of fraudulent misrepresentation (High Court (TCC) – Eurocom Ltd v Siemens plc).
- Instructed as Counsel in an adjudication over the criteria for Take-Over and Acceptance of a Biomass plant.
- Acted and advised in numerous adjudications relating to payment notices and “smash and grab” adjudications and follow-up adjudications
- Acted as Counsel in for a multinational engineering company defending a global claim for disruption damages and alleged repudiatory breach.
- Acted as Counsel defending electrical engineering professionals in a £12m professional negligence adjudication concerning the installation and connection of solar panel farms at various locations in the South West of England.
- Drafted pleadings and advised in numerous cases to enforce and to resist enforcement of adjudication decisions, including considering arguments for breach of natural justice, lack of jurisdiction and fraud.
- Drafted submissions and advised in numerous adjudication proceedings.

## Property

- Acted, advised and drafted pleadings in cases and applications involving the Party Wall Act, nuisance, trespass and abatement of noise pollution.
- Acted in an arbitration for a utilities company defending a claim under the Water Industry Act 1991 for alleged disruption to business.
- Instructed to draft pleadings and appear at the CMC in a case concerning responsibility for maintaining rights of support.

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## Selected Reported Cases

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- **Geodesign Barriers Ltd v The Environment Agency** [2015] EWHC 1121 (TCC) (29 April 2015)
- **Eurocom Limited v Siemens Plc** [2015] EWHC 685 (TCC) (12 February 2015)
- **Eurocom Limited v Siemens Plc** [2014] EWHC 3710 (TCC) (07 November 2014); [2015] B.L.R. 1; 157 Con. L.R. 120
- **Serco Limited v Fendercare Limited** [2014] EWHC 964 (TCC) (18 March 2014)
- **Bluewater Energy Services BV v Mercon Steel Structures BV and others** [2014] EWHC 2132 (TCC); 155 Con. L.R. 85
- **Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd** [2013] EWHC 4030 (TCC); [2013] All ER (D) 156 (Dec)

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## Education & Professional Career

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Keating Chambers	2011
Pupillage, Keating Chambers	2010-2011
Parliamentary Assistant, European Parliament, Brussels	2009-2010
Research Assistant, Keating Chambers	2008-2009
Called to the Bar (Inner Temple)	2008
Inner Temple Lawson Moot Finalist	2008
College of Law, London – BVC	2007-2008

Exhibitioner, Inner Temple	2007
Cleary Gottlieb Steen & Hamilton LLP, Brussels	2005-2007
Pembroke College, Oxford University – BCL	2004-2005
Pembroke College, Oxford University – BA (Law)	2001-2004
Lenzie Academy, Glasgow	1995-2001

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## Memberships

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TECBAR

SCL

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## Seminars, Publications & Papers

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- Contributor to Keating on Offshore Construction and Marine Engineering.
- Contributor to Keating on Construction Contracts.
- Editor of the Construction Law Reports (2018 – date) and Contributor (2014 – 2018).
- Thursday morning at the Palladium [2018] EWHC 1056 (Comm), Practical Law Arbitration blog, 24 May 2018
- Court of Appeal in **Transocean** interprets limitation and exclusion clause, Practical Law Construction blog, 21 September 2016.
- Indemnity costs in adjudication enforcement hearings, Practical Law Construction blog, 17 March 2015.
- **Eurocom v Siemens**: a “strong prima facie” case of fraudulent misrepresentation, Practical Law Construction blog, 12 November 2014, TECBAR Review Winter 2014/2015, Keating Chambers Construction Update, Winter 2014.
- The new TCC Guide: post-Jackson pitfalls, Practical Law Construction blog, 22 May 2014.
- Contributor to the Construction Law section to the Law Brief Update newsletter (2011 - date).
- Questioning the foundations of the complex structure theory (Construction Law International (2013) 8(2) 17, Keating Chambers Construction Update, Winter 2012).
- A More Open Competition: will third-party litigation funding level the litigation playing field? (New Law Journal, 16 May 2008).
- Getting the Deal Through: Gas Regulation 2007 (Global Competition Review, 2007).

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## Languages

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French (basic)

German (basic)

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## Additional Information

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Paul enjoys watching and playing sports, including football, rugby, tennis and golf. He also has a keen interest in film and music.