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PAUL BURY

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Areas of practice

- Construction & Engineering
- Energy & Natural Resources
- International Arbitration
- Offshore Construction & Marine Engineering
- Procurement & Competition
- Professional Negligence
- Property

Clerks' Details

Declan Redmond

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Practice overview

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

Paul acts in a broad range of disputes ranging from highly complex and high-value international arbitration and High Court proceedings to a number of lower value commercial and domestic claims in 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 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, residents, 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 and adjudication. Paul has extensive knowledge of the JCT, NEC, IChemE Red Book and FIDIC standard form contracts.

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. Paul is also comfortable dealing with questions of EU law, including public procurement legislation.

Recent Cases

Construction & Engineering

- Instructed to draft pleadings and act as Junior Counsel in an ICC arbitration 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 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*).
- 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.
- 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, delay and disruption claims and disputes over variations and allegations of defective works.

“He's intelligent and produces good written work”...“Incisive, positive and a good communicator.”

Chambers & Partners, UK 2016

Energy & Natural Resources

- Instructed to draft pleadings and act as Junior Counsel in an ICC arbitration 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 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

- Instructed to draft pleadings and act as Junior Counsel in an ICC arbitration 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.

Offshore Construction & Marine Engineering

- 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 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

- 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.
- 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 to settle the Particulars of Claim in a £10m claim against piling sub-contractors.

- 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*).
- 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.

Procurement & Competition

- Acted as Junior Counsel in defending a challenge to the award of a contract for flood defence systems (*Geodesign Barriers Ltd v The Environment Agency*).
- Acted as Counsel to strike out a challenge to a procurement by the University of Bedfordshire in the County Court.
- Acted as Junior Counsel in a challenge to the award of a contract (*Pearson Driving Assessments Ltd v The Minister for the Cabinet Office*). The challenge related to whether there was a manifest error of assessment in the financial evaluation of the winning tender, and whether the tenders had been evaluated equally.
- Instructed by the Treasury Solicitor in preparing an application to overturn automatic suspensory effect of a procurement challenge.
- Advised on the viability of challenging several procurement decisions.

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

Selected Reported Cases

- *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)

Education & Professional Career

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

Memberships

TECBAR
SCL

Seminars, Publications & Papers

- 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.
 - Contributor to Keating on Offshore Construction and Marine Engineering (First edition, 2015).
 - Researcher for Keating on Construction Contracts (First Supplement to the Ninth Edition).
 - Contributor to the Construction Law Reports (2014 – date).
 - 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).
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Languages

French (basic)

German (basic)

Additional Information

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