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**KEATING**  
CHAMBERS



## JONATHAN SELBY

**Call:** 1999

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### Areas of practice

- Construction & Engineering
- Professional Negligence
- PFI/PPP
- Energy & Natural Resources
- Party Walls

### Clerks' Details

**Declan Redmond**

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### Practice overview

Jonathan Selby was called to the Bar in 1999 and specialises in Construction and Engineering, Energy and Professional Negligence claims (architects, engineers and surveyors).

He was recently described as "A real fighter who puts his heart into things and gets results." "He gets to the issues straight away, and is very pragmatic and a good tactician."

Jonathan frequently appears in high value litigation in the Technology and Construction Court and has a long list of reported cases from that Court and the Court of Appeal. He has also appeared in the Privy Council.

Jonathan is often instructed to act for clients through the adjudication process and is a practising accredited Adjudicator.

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## Recent Cases

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### Construction & Engineering

- Jonathan regularly advises and acts for employers, contractors and sub-contractors in connection with the various JCT standard form contracts in relation to all sizes and type of project.
- Acted for a mechanical and electrical sub-contractor in a £13 million adjudication claim relating to the delayed completion of an office building in Kings Cross, London.
- Acted for the Dorchester Collection in its TCC claim against a national contractor for the payment of undeclared discounts which had been obtained from sub-contractors for work carried out under an "open book" contract.
- Acted (as Junior Counsel to Alexander Nissen QC) in a four-week trial concerning a claim under the Defective Premises Act in respect of the construction of a block of 171 apartments.
- Instructed on behalf of a large utility company in a series of adjudications under an IChemE form of contract about the design and construction of a sewage treatment works.
- Instructed (as Junior Counsel to Adrian Williamson QC and Stephanie Barwise QC) on behalf of a specialist piping contractor in TCC proceedings relating to the construction of a bio-ethanol plant in Hull. The claims concern delay and the repudiation of the contract.

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*“He has a super attitude, is great with clients  
and has an original mind.”*

Chambers UK Bar, 2015

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### Professional Negligence

- Acted for a NHS Trust in a £10 million claim against its architect, M&E and structural engineers concerning a number of defects in and the delayed completion of a new hospital in the Rhondda Valley, Wales.
- Acted in a two-week trial against an architect who had negligently designed damp-proofing measures and negligently inspected the mechanical and electrical works for a substantial property overlooking the River Thames. Also acted in the subsequent appeal to the Court of Appeal (as Junior Counsel to Adrian Williamson QC).
- Instructed (as Junior Counsel to Marcus Taverner QC) on behalf of a property developer in connection with claims against its quantity surveyors and structural engineers arising out of the Regent Quarter Development in Kings Cross, London.
- Acted in a five-week trial (as Junior Counsel to Adrian Williamson QC) where the architect, engineers and project manager were alleged to have been negligent in their design and supervision of a £4 million residential property in Jersey to such an extent that the property was demolished and had to be rebuilt.
- Acted in architects' negligence claims relating among other things to the roof design of hospital accommodation, the refurbishment of a restaurant, the fit-out of a large Central London office building and high-end residential property.
- Instructed in TCC proceedings against structural engineers (and a design and build contractor) concerning cracking to the warehouse floor of a flour mill.

## **PFI/PPP**

- Instructed (as Junior Counsel to Marcus Taverner QC) on behalf of a large contractor in relation to adjudication and TCC proceedings concerning the design, construction and performance testing of a MBT waste treatment facility in Cambridgeshire.
- Acted for a contractor in an early neutral evaluation concerning a claim for the rectification of the payment formula in a concession agreement relating to the provision of three schools in Hampshire.
- Acted for a contractor in connection with its extension of time claims concerning the delayed completion of a hospital in Coventry.
- Acted for a contractor in an adjudication regarding the scope of its obligations to provide and maintain telecommunications systems for an educational establishment in Croydon.

## **Energy & Natural Resources**

- Acted (as Junior Counsel to Marcus Taverner QC) in a multi-million pound arbitration claim by a pipework sub-contractor in connection with the construction of a Liquefied Natural Gas Terminal in Wales.
- Acted for a piping and mechanical erection sub-contractor in connection with disputes regarding its work on a CCGT power station in Wales. Those disputes gave rise to adjudication claims concerning its final account and injunction proceedings in the TCC seeking delivery up of testing documentation.
- Represented a large international contractor in an ICC arbitration relating to a multi-million dollar dispute concerning an oil pipeline in North Africa.
- Instructed as Junior Counsel to Petromec in its litigation with the Brazilian State oil company in the Commercial Court regarding the cost of constructing an oil rig in the South Pacific.

## **Party Walls**

- Advised and acted for parties in connection with issues arising under the Party Wall Act 1996 and appeals in respect of party wall awards.
- Represented a residential property owner in a 3-day appeal of an award relating to the party wall between neighbouring cottages.

## **Other Specialist Areas**

### **Appellate work**

- Appeared (without leader) in the Privy Council on an appeal relating to a construction project in St Lucia.
- Acted in the Court of Appeal in connection with a claim for trespass to land (which raised issues of public law and statutory interpretation regarding the Highways Act). Drafted objections to the granting of permission to appeal to the House of Lords in the same case, following which the House of Lords refused permission to appeal.
- Acted (as Junior Counsel to Marcus Taverner QC) in the Court of Appeal in connection with a claim for the enforcement of an adjudicator's decision. The issues included whether the Adjudicator had considered the question of fraud and the legal basis upon which enforcement of adjudicators' decisions should be refused on grounds of fraud.
- Acted (as Junior Counsel to Adrian Williamson QC) in the Court of Appeal in relation to an architect's negligence claim. The issues included the interpretation and enforceability of a net contribution clause in a consumer contract and the proper amounts awarded to the Claimants in respect of interest and damages for distress and inconvenience.

### **Insurance**

- Jonathan has experience in relation to claims under insurance policies including professional indemnity policies, NHBC policies, the Zurich Building Guarantee and home insurance policies.
- Acted for a large insurance company (as Junior Counsel to Rosemary Jackson QC) in connection

with a £750,000 claim by home-owners for the cost of reinstating an old barn which had burnt down in a fire. The trial resulted in success for his client who recovered their costs on an indemnity basis.

- Acted for the NHBC in claims against builders who have failed to comply with the NHBC Rules.

#### Hotels & Hotel Management

- Jonathan has acted in a number of cases about the design and construction of well-known hotels in Central London.
- Jonathan also acted (as Junior Counsel to Paul Darling QC) in an ICC arbitration concerning the management, sales and marketing of a 5-star hotel in Zanzibar.

#### Rail

- Acted for a designer and supplier of level crossing panels in connection with claims in the Commercial Court (including injunction proceedings) against the product manufacturer for breach of an exclusive distribution agreement.
- Advised a contractor responsible for the maintenance of the London Underground lines in relation to the termination of one of its sub-contracts.
- Acted (as Junior Counsel to Richard Fernyhough QC) for a telecommunications provider in an adjudication regarding the scope of its testing obligations in respect of communications systems on the London Underground.

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### Selected Reported Cases

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- *Rendlesham Estates Plc & Ors v Barr Ltd* [2015] 1 W.L.R 3663
- *Hills Contractors & Construction Limited v Struth* [2014] 1 W.L.R. 1
- *West v Ian Finlay & Associates* [2014] EWHC Civ 316; [2014] CILL 3507
- *Oak Leaf Conservatories Ltd v Weir* [2013] EWHC 3197 (TCC)
- *Stella Willis v Mr J Rundell & Associates Limited* [2013] EWHC 2923 (TCC); [2013] 6 Costs LR 924
- *Natas Group Ltd v Styles & Wood* [2012] EWHC 526 (TCC)
- *Partner Projects Ltd v Corinthian Nominees Ltd* [2012] 1 BLR 97
- *Mouchel Ltd v Van Oord (UK) Ltd* [2011] EWHC 72 (TCC); 135 Con LR 183
- *Mouchel Ltd v Van Oord (UK) Ltd (No 2)* - [2011] BLR 492, 137 Con LR 105
- *Speymill Contracts Ltd v Baskind* [2010] BLR 257, 129 Con LR 66, [2010]

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### Education & Professional Career

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Public Access Training	2008 & 2015
TECBAR Accredited Adjudicator	2007
Keating Chambers	2001
Pupillage, Keating Chambers	2000-2001
Research Assistant, Law Commission (Company and Commercial Law Team)	1999-2000
Marshalled Colman J in the Commercial Court	1999
Called to the Bar (Gray's Inn)	1999
CJ Hamson Prize for Aspects of Obligations, University of Cambridge	1998
MA in Law, St. Catharine's College, Cambridge	1998

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## Memberships

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Technology and Construction Bar Association (TECBAR)

Society of Construction Law

Commercial Bar Association (COMBAR)

London Common Law and Commercial Bar Association.

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## Seminars, Publications & Papers

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- Is expert witness immunity about to be abolished? A case note on *Paul Wynne Jones v Sue Kaney* [2010] EWHC 61 (QB) Jonathan Selby 26 January 2010.
- Researcher, Keating on Construction Contracts - Ninth Edition (2012).
- Contributor to Engineers' Dispute Resolution Handbook.
- Awarded a commendation in the Society of Construction Law Hudson prize essay competition (2002-2003).
- Winner of the Bar Law Reform Essay Competition (Category A, 2002) with an essay on expert witness immunity published in *Counsel*. The Judges of the competition were Carnwath LJ, Beatson J, Lord Brennan QC and Brian Langstaff QC.

Jonathan regularly lectures and gives seminars. He has also written articles for the *Times Law Section*, the *ICE Construction Law Review* and the *Journal of the Expert Witness Institute*.

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## Languages

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French (working knowledge)

German (working knowledge)

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## Additional Information

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Jonathan is a big sports fan and particularly enjoys football, cricket, tennis and swimming. His other passion is food.

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