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JAMES FRAMPTON

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Areas of Practice

- Construction & Engineering
- International Arbitration
- Procurement
- Energy & Natural Resources
- Infrastructure & Utilities
- IT & Technology
- PFI/PPP
- Professional Negligence
- Property/Party Wall

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Practice Overview

James Frampton specialises in construction, engineering, energy and procurement disputes. He is ranked for Construction, Professional Negligence and Procurement by Chambers and Partners and by Legal 500 as a 'Rising Star' for both Construction and Procurement: "Very bright, focuses on the key issues, always prepares comprehensively, very good advocate, great manner. He is a star junior."

James' recent instructions have included a particular focus on:

1. Building Safety Act 2022 and fire safety/cladding matters.

- James acted as Junior Counsel for Mulalley in the first fire-safety cladding case to be tried in the TCC since the Grenfell Tower (Martlet Homes Limited v Mulalley & Co Limited [2022] EWHC 1813 (TCC)).
- James is currently instructed as Junior Counsel on TCC claims involving applications for Building Liability Orders and liability under section 149 of the Building Safety Act 2022 for cladding products.
- James has also been instructed in relation to a claim for a Remediation Order in the First Tier Tribunal.

2. Professional negligence claims against architects and other professionals.

James' current professional negligence cases also involve the added complexity of issues under the Civil Liability (Contribution) Act 1979 and insolvency of the parties.

3. Adjudication enforcement

- James regularly appears in the TCC bringing and resisting adjudication enforcement claims and related matters.
- James appeared unled in the Court of Appeal in 2023 in A&V Building Solutions v J & B Hopkins [2023] EWCA Civ 54 which is now the leading case on how Part 8 claims can be used in response to adjudicator's decisions.

James' expertise in construction and procurement matters has seen him appointed to the Attorney General's C Panel. James is currently instructed as Junior Counsel for the Cabinet Office on Module 5 (Procurement) of the Covid Inquiry.

International work

James is also regularly instructed as Junior Counsel on substantial international disputes, including projects in South Africa, Australia, Dubai, Abu Dhabi, Ukraine and Qatar. James' international arbitration practice has seen him recommended for construction by Who's Who Legal and ranked as a Rising Star by the Legal 500 in the Middle East.

Construction, Engineering & Energy

- James has experience of the whole range of construction related disputes including claims for defective workmanship or design, delay, variations, termination and final accounts.

James' recent domestic work includes:

- Acting for the defendant in Martlet Homes Limited v Mulalley & Co Limited [2022] EWHC 1813 (TCC). The first fire-safety cladding case to be tried in the TCC since the Grenfell Tower.
- Acting for the claimant in Dr Jones Yeovil Limited v The Stepping Stone Group Limited [2020] EWHC 2308 (TCC). Following a 7 day trial in the High Court, heard remotely.
- by Zoom, James' client was successful in recovering its retention and defeating the counterclaim of over £240,000 raised by the employer for alleged defects in full.
- Acting for the successful Claimant/Applicant in Wilson and Sharp Investments Ltd v Falmouth Property Investments Ltd [2019] 1 WLUK 533 securing summary judgment against a £1million set-off/counterclaim for misrepresentation in the High Court (QBD).
- Acting as junior counsel for a local authority in respect of cladding and fire-stopping issues under a PFI contract in a housing block.
- Representing the successful Claimant in a two-day domestic arbitration hearing in relation to defective groundworks.
- Acting, as junior counsel to Sam Townsend and unled, in various proceedings involving the National Housing Building Counsel (NHBC), the market leading insurer of new and refurbished residential properties in the UK.
- Representing (as sole counsel) the successful applicant for a final charging order in the High Court (TCC).

“Very bright, focuses on the key issues, always prepares comprehensively, very good advocate, great manner. He is a star junior.”

Legal 500 UK Bar 2024

International Arbitration

James is regularly instructed as junior counsel on substantial international arbitrations concerning construction and energy projects throughout the world, including:

- Acting (as junior counsel) to Simon Hughes KC in an arbitration concerning a sewage treatment plant in Qatar.
- Acting (as junior counsel to Simon Hughes KC and Vince Moran KC respectively) for a main

contractor of two power stations in South Africa in two separate ongoing arbitrations and two separate dispute boards concerning different subcontracts

- Acted (as junior counsel to Richard Harding KC) in an ADCCAC final account arbitration concerning an international airport in the UAE.
- Acting (as junior counsel to Simon Hughes KC) in a 5 week SIAC arbitration under the UNCITRAL rules for a very substantial dispute concerning an iron-ore mine in Western Australia. The governing law was the law of Western Australia.
- Representing (as junior counsel to Simon Hughes KC) a Korean joint venture in a \$500 million dispute, under the LCIA rules, about a power station in the Middle East.
- Acting (as junior counsel to Marcus Taverner KC) for the developer of a skyscraper in Dubai in a DIAC arbitration.
- Representing (with Sam Townend KC) an Eastern European state entity in an ICC Arbitration concerning an infrastructure project funded by the World Bank.

Procurement

- Acting as Junior Counsel for the Cabinet Office on Module 5 (Procurement) of the Covid Inquiry.
- Acting (as junior counsel to Sarah Hannaford KC) for an unsuccessful bidder in a challenge to a procurement of health care services in prisons (Practice Plus Group Health and Rehabilitation Services Ltd v NHS Commissioning Board [2022] EWHC 2082 (TCC)).
- Acting (as sole counsel) for the unsuccessful bidder in challenging a procurement for an ambulance contract in London.
- Acting (as junior counsel to Sarah Hannaford KC) for an unsuccessful bidder in a challenge to the procurement of a major infrastructure project in London.
- Acting (as sole counsel) for a bidder which had been disqualified from a procurement. The procurement was restarted following the service of Particulars of Claim drafted by James.
- Acting (as junior counsel to Sarah Hannaford KC) for the unsuccessful bidder in a procurement for signaling works on the East Coast Main Line (Alstom Transport UK Ltd v Network Rail Infrastructure Ltd [2019] EWHC 3585 (TCC)).
- Acting (as junior counsel to Sarah Hannaford KC) for the MOD in a challenge to the procurement of a fire and rescue contract.
- Acting (as junior counsel to Sarah Hannaford KC) for an unsuccessful bidder in a challenge to the procurement of a rail infrastructure project Alstom Transport UK Ltd v Network Rail Infrastructure Ltd [2019] EWHC 3585 (TCC).
- Acting (with Simon Taylor) for an unsuccessful bidder in a challenge to the procurement of a naval gun system.
- Acting (with Simon Taylor) for an unsuccessful bidder in a challenge to the procurement of an adult education and training service.

“James has a tremendous ability to handle complex and sophisticated matters.”

Chambers UK Bar 2023

Advocacy

James regularly appears as an advocate in the High Court and has appeared unled in the Court of Appeal. His recent experience includes:

- Acting for the successful claimant enforcing an adjudicator’s decision in Van Elle v Keynvor Morlift Ltd [2023] EWHC 3137 (TCC). This case involved a novel and difficult issue as to the scope of England under the HGCRA.
- Appearing unled in the Court of Appeal in 2023 in A&V Building Solutions v J & B Hopkins [2023] EWCA Civ 54 which is now the leading case on how Part 8 claims can be used in response to adjudicator’s decisions.

- Acting for the successful defendant resisting a claim that an adjudicator acted in breach of natural justice in *Manor Co-Living Ltd v RY Construction Ltd* [2022] EWHC 2715 (TCC).
- Acting for the claimant in *Dr Jones Yeovil Limited v The Stepping Stone Group Limited* [2020] EWHC 2308 (TCC). Following a 7 day trial in the High Court, heard remotely by Zoom, James' client was successful in recovering its retention and defeating the counterclaim of over £240,000 raised by the employer for alleged defects in full.
- Acting for the successful applicant for summary judgment on a set-off/counterclaim for misrepresentation in the High Court (KBD); *Wilson and Sharp Investments Ltd v Falmouth Property Investments Ltd* [2019] 1 WLUK 533.
- Representing the successful Claimant in a two-day domestic arbitration concerning defective groundworks.
- Representing the successful Claimant in adjudication enforcement proceedings concerning allegations of fraud; *Assesmont Ltd v Brookvex IMS Ltd* [2018] EWHC 2629 (TCC).
- Appearing for the successful Claimant in a one-day fast track trial on whether payments for VAT were due under a building contract.
- Representing the successful applicant for a Final Charging Order in the High Court (TCC).
- Acting for the successful applicant for an order for specific disclosure in respect of a claim for waste removal.
- Acting for the successful respondent to a summary judgment application concerning a "battle-of-forms".

“James is great on the detail, with excellent drafting and the ability to distil documents to the important points.”

Chambers & Partners UK Bar 2024

Adjudication

- James is frequently instructed to act for parties during adjudications and on enforcement in the High Court. His recent work includes:
- Acting for the successful claimant enforcing an adjudicator's decision in *Van Elle v Keynvor Morlift Ltd* [2023] EWHC 3137 (TCC). This case involved a novel and difficult issue as to the scope of England under the HGCRA.
- Acting for the successful claimant who enforced an adjudicator's decision despite being dormant in *WRB (NI) Ltd v Henry Construction Projects Ltd* [2023] EWHC 278 (TCC).
- Acting in various enforcement and other adjudication related hearings in the ongoing disputes between J&B Hopkins and A&V Building Solution Ltd ([2023] EWHC 1483 (TCC), [2023] EWHC 2475 (TCC), [2023] EWHC 2576 (TCC) , [2023] EWHC 301 (TCC), [2023] EWCA Civ 54
- Appearing for the successful Claimant in proceedings to enforce four adjudication decisions, raising issues of whether a dispute had crystallised, waiver and severance; *LJH Paving v Meeres Civil Engineering Ltd* [2019] EWHC 2601 (TCC).
- Appearing for the successful Claimant in adjudication enforcement proceedings concerning the residential occupiers' exception; *Howsons Ltd v Redfearn* [2019] EWHC 2540 (TCC).
- Appearing for the successful Claimant in adjudication enforcement proceedings concerning allegations of fraud; *Assesmont Ltd v Brookvex IMS Ltd* [2018] EWHC 2629 (TCC).
- Acting for a successful responding party to a "smash-and-grab" payment notice dispute.
- The adjudicator accepted James' written submissions that the contract was a hybrid contract and as a result the alleged payment notice was ineffective.
- Acting for a local authority in a multi-million adjudication in respect of the pain-gain mechanism in an NEC3 contract.
- Advising successful parties and unsuccessful parties to adjudication on whether to issue or resist enforcement proceedings.

“Extremely sharp, impressive on his feet and

produces excellent written submissions.”

Chambers & Partners UK Bar 2024

Bonds & Guarantees

- Advising an international contractor in respect of a call on an on-demand bond.

Infrastructure & Utilities

- Acted for the joint venture contractor (led by Adam Constable KC, now Mr Justice Constable) in an adjudication, worth circa £12m, in relation to an ongoing major infrastructure project in London.
- Representing (as sole counsel) a major telecommunications provider in numerous County Court claims.
- Drafting a Defence in a dispute between telecommunications providers concerning the decommissioning of a mobile switching centre.
- Preparing adjudication proceedings (settled before service of the notice) concerning a rail infrastructure development for a major multi-national engineering consultancy.

IT & Technology

- Acting, as Junior Counsel to Sarah Hannaford KC, for the claimant in a claim in the High Court (TCC) involving a defective IT system and public procurement issues.

“James is diligent, hard working and on top of the detail. He is easy to work with and has an affable style. The quality of his written work is high, and delivered timeously. He also has a good understanding of the local market.”

Legal 500 2023

PFI/PPP

- Acting (as junior counsel) for a local authority in proceedings concerning cladding and fire-stopping issues under a PFI contract in a housing block.

Professional Negligence

- Acting for the claimant contractor in ongoing proceedings in the High Court (TCC) seeking a contribution from the architect and clerk of works in respect of a residential development in London.
- Acting for the fourth party architect in ongoing proceedings in the High Court (TCC)
- Advising and representing architects in Architect Review Board professional discipline procedures.
- Representing the Claimant in a claim in the High Court (TCC) concerning a Professional Consultant's Certificate.
- Acting for a home-owner in a claim against an architect concerning the negligent design of foundations for a domestic dwelling.
- Acting for a developer in a claim for negligence against a contractor administrator of a JCT contract.

Property/Party Wall

James has experience of acting for the Appellant and the Respondent to appeals to awards

under the Party Wall etc. Act 1996, including acting for the successful appellant to a party wall award in *Thomas Ash v Shayne Trimnell-Ritchard* (Central London County Court, 2020).

“He is proactive, thorough, collaborative and critical in his approach to legal argument and strategy.”

Legal 500 Asia Pacific 2022

Education & Professional Career

Tenant, Keating Chambers	2017
Pupil, Keating Chambers	2016-2017
University of Law, Bar Professional Training Course (Outstanding; Written Advocacy Prize)	2015-2016
University of Law, Graduate Diploma in Law (Distinction; Contract, Tort, Criminal and Public Law prizes)	2014-2015
BA in History, Durham University (First)	2011-2014

Seminars & Publications

Contributor to Keating on Construction Contracts 11th edition.

Contributor to Keating on JCT Contracts.

Contributor to Keating on Offshore Construction and Marine Engineering Contracts (2nd edition).

Contributing Editor of the Construction Law Reports.

The Best Laid Schemes of TECBAR and TeCSA: Potential Problems under the New Pre-Action Protocol, Society for Construction Law.

“Out of service”: charging orders and service on non-parties outside the jurisdiction, Practical Law Construction Blog, May 2017.

Conditions precedent and the rule against redundancy in contract interpretation, Practical Law Construction Blog, November 2017.

“All you need is fraud?”: stays of execution and adjudication enforcement, Practical Law Construction Blog, November 2018.

Developer disputes: misrepresentation and summary judgment, Practical Law Construction Blog, November 2017.

Awards

Winner, Procurement Lawyers’ Association Rosie Choueka Memorial Essay Competition (2017)

Society of Construction Law, Hudson Prize 2016, Joint Second Prize

The Worshipful Company of Arbitrators, Arbitration Weekend 2017, Best Team

Society of Construction Law, Hudson Prize 2016, Joint Second Prize
The Worshipful Company of Arbitrators, Arbitration Weekend 2017, Best Team
Exhibition Award for the BPTC from the Inner Temple (2015)
Advocacy Scholarship and Law First Scholarship for the BPTC from the University of Law (2015/2016)
Birmingham Law Society Debating Competition 2015, Winner
Major Scholarship for the GDL from the Inner Temple (2014)

Languages

French (working knowledge)

Additional Information

James was an Honorary Lecturer in the Bartlett School of Construction and Project Management at UCL, teaching a MSc module on contractual claims and dispute resolution from 2018 to 2020.