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KEATING
CHAMBERS

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BEN GRAFF

Call: 2019

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Areas of Practice

- Construction & Engineering
- Public Procurement
- Adjudication
- Professional Negligence
- International Arbitration
- Energy & Natural Resources

Clerks' Details

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Practice Overview

Ben Graff was called to the Bar in 2019 and became a tenant at Keating Chambers in 2020 following the successful completion of his pupillage.

Ben is developing a busy practice across Chambers' specialisms including construction and engineering, procurement, energy, professional negligence and international arbitration. He has assisted with work involving standard form contracts including the JCT and NEC forms.

Ben acted as junior counsel to Sarah Hannaford QC and Simon Taylor in Bechtel Limited v High Speed Two (HS2) Limited [2021] EWHC 458 (TCC) successfully defending HS2's procurement for a £1bn+ contract following a three week trial in the TCC. Ben has also conducted a number of hearings in the County Court in his own right.

Ben is developing a busy adjudication practice, including drafting referrals and responses in disputes relating to the Covid-19 pandemic.

Before coming to the Bar, Ben volunteered for the School Exclusion Project, appearing on behalf of an excluded child at a Governors' Disciplinary Committee and on appeal at an Independent Review Panel. In the latter, he convinced the Panel that the decision of the governing body to uphold the exclusion was irrational.

Recent Cases

Construction & Engineering

- Drafted Particulars of Claim on behalf of a building owner against a design and build contractor for problems with overheating in a block of flats.
- Drafted Particulars of Claim on behalf of an employer levying liquidated damages.
- Drafted Particulars of Claim on behalf of a building owner in respect of a defective concrete slab.
- Advised building owner on force majeure provisions in the contract and their application to the Covid-19 pandemic.
- Advised contractor on the compensation event provisions in an NEC3 contract.

Adjudication

- Acting for contractor in payment dispute with sub-contractor regarding the construction of a multi-storey car park.
- Drafted a Referral claiming a sum due pursuant to the interim payment terms in the contract and applying for an extension of time for delays caused by Covid-19.
- Drafted a Response submitting that the terms governing the release of the retention were in accordance with the Housing Grants, Construction and Regeneration Act 1996.
- Drafted Particulars of Claim for the enforcement of an adjudicator's award.
- Drafted skeleton argument resisting the enforcement of an adjudicator's award.

Professional Negligence

- Drafted Particulars of Claim against a structural engineer regarding the collapse of a wall.
- Drafted Defence for an architect in relation to a rock fall in Jersey.
- Drafted a Defence on behalf of an architect in respect of a claim that cladding was not compliant with the Building Regulations.

International Arbitration

- Assisted in advising a sub-contractor on the interpretation of final account provisions in a contract for the construction of a power station in South Africa.
- Assisted with trial preparation for an international arbitration regarding the termination of a contract for the provision and operation of a waste-recycling centre.

Public Procurement

- Acted as junior counsel for HS2 in a three-week trial concerning a challenge brought by Bechtel to the procurement of a construction contract for Old Oak Common Station (led by Sarah Hannaford QC).
- Assisted in drafting a Defence to a claim brought under the Utilities Contracts Regulations 2016 challenging the procurement of a contract for the supply of components for railway tracks (led by Sarah Hannaford QC).
- Assisted in an application for strike out/summary judgment in a claim brought under the Defence and Security Public Contracts Regulations 2011.

Energy & Natural Resources

- Acting for contractor in dispute with sub-contractor concerning the design of a waste energy plant.
- Assisted in advising a sub-contractor on the interpretation of final account provisions in a contract for the construction of a power station in South Africa.
- Assisted with trial preparation for an international arbitration regarding the termination of a contract for the provision and operation of a waste-recycling centre.

Education & Professional Career

Tenant, Keating Chambers	2020
Pupil, Keating Chambers	2019 – 2020
Called to the Bar, Lincoln's Inn	2019
Bar Professional Training Course, City University of London	2016-2017
Graduate Diploma in Law, City University of London (Distinction)	2016-2017
Teacher of Philosophy, Sevenoaks School	2015-2016
MPhil in Philosophy, University of Cambridge	2014-2015
BA Philosophy and Politics, University of Manchester (First Class Honours)	2011-2014

Awards & Scholarships

Denning Scholarship, Lincoln's Inn	2017
GDL Scholarship, City University of London	2016
Timothy Joyce Masters Studentship, University of Cambridge	2015
Michael Polanyi Memorial Results for exceptional results in final year, University of Manchester	2014
Michael Polanyi Logic Prize (for top mark in the year in Formal Logic), University of Manchester	2013

Additional Information

Outside of work, Ben is a long suffering Arsenal fan.