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PAUL BURY

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Areas of Practice

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

Clerks' Details

Dominic Woodbridge

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Practice Overview

Paul Bury is a highly experienced specialist in oral and written advocacy in:

- domestic and international commercial construction,
- professional negligence,
- energy,
- insurance,
- offshore,
- infrastructure projects, and
- regulatory disputes.

He has been described as “razor-sharp...first class [and] a future star of the Construction Bar”.

Paul is regularly instructed as sole Counsel or as Junior Counsel in a broad range of disputes including highly complex and high-value High Court proceedings, international and domestic arbitration (in particular ICC, LCIA and UNCITRAL), adjudication and mediation.

He has extensive advocacy experience in High Court trials, applications, procedural hearings, and adjudication work as well as in arbitrations and adjudications. Paul has been praised as

“a skilled advocate, delivering effective oral arguments and cross-examination at hearings”.

Paul has gained particular expertise in cases involving issues of delay and disruption, defects, and contractual termination, and cases involving professional negligence and insurance issues, particularly those involving structural engineers, architects, cladding issues, and energy technology. Paul has extensive knowledge of the JCT, NEC, IChemE Red Book and FIDIC standard form contracts and of the offshore LOGIC and SAJ forms.

Some of the larger TCC matters he has been involved in include Energy Works (Hull) Ltd v MW High Tech Projects, Bluewater Energy Services BV v Mercon Steel Structures BV and Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd and, in adjudication, Eurocom v Siemens. Paul’s international arbitration practice has seen him act for clients on projects based in jurisdictions such as South Africa, 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”* with *“an impressive grasp of the technical detail of a case”*. He is recommended as a leading junior in the legal directories for construction, energy and professional negligence and is described as *“undoubtedly a star of the future”*.

Recent Cases

Construction & Engineering

- Acted as Junior Counsel in a £100m TCC claim relating to a waste-to-energy power plant in Hull. Acted as Counsel in various interlocutory hearings and advised throughout and appeared in the 5-week trial (Energy Works (Hull) Ltd v MW High Tech Projects).
- Instructed on behalf of various developers, main contractors and sub-contractors in various High Court (TCC) and other disputes relating to cladding issues, cavity barriers and fire stopping in tower blocks in the U.K.
- Instructed as sole Counsel on behalf of the main contractor in a substantial High Court (TCC) claim relating to alleged defects in the design and renovation of a listed U.K. government building including in relation to fire stopping.
- Acted as Co-Counsel with solicitors for a contractor in various dispute adjudication board disputes relating to power plants in South Africa including representing the contractor in various hearings.
- Drafted pleadings and instructed as Junior Counsel in a claim relating to the alleged negligent structural engineering design of a multi-span bridge in England.
- Instructed as sole Counsel for the defendant contractor in a High Court (TCC) claim relating to alleged structural engineering defects in a multi storey car park in Manchester.
- Drafted pleadings and instructed as Junior Counsel for the Claimant owner in a multi-party High Court (TCC) claim relating to alleged structural engineering defects in a multi storey car park in Birmingham claiming remedial works and diminution in value.
- Instructed as sole Counsel on behalf of a main contractor in multi-party TCC litigation in defending alleged structural engineering defects in a bus depot in Bolton.
- 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.

“Paul is exceptional – he is incredibly organised and turns around tasks at lightning speed.”

Legal 500 UK 2022

- 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.
- 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.

- Acted as Junior Counsel in a £100m TCC claim relating to a waste-to-energy power plant in Hull. Acted as Counsel in various interlocutory hearings and advised throughout and appeared in the 5-week trial (*Energy Works (Hull)Ltd v MW High Tech Projects*).

- Acted as Co-Counsel with solicitors for a contractor in various dispute adjudication board disputes relating to power plants in South Africa including representing the contractor in various hearings.
- 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.
- 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.

"Paul is razor-sharp and exceptionally responsive - you can always rely on him to get the job done to a first-class standard. Paul has an impressive grasp of the technical detail of a case. A future star of the construction Bar."

Legal 500 2022

- 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 Co-Counsel with solicitors for a contractor in various dispute adjudication board disputes relating to power plants in South Africa including representing the contractor in various hearings.
- Acted for an Irish energy contractor in relation to professional negligence allegations against their former professional advisers.
- 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.

"A future super-star. He understands commercial needs of the client and is incredibly responsive."

Chambers UK Bar 2022

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).

"He is a skilled advocate, delivering effective oral arguments and cross-examination at hearings."

Chambers & Partners 2022

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.

- Instructed on behalf of various developers, main contractors and sub-contractors in various High Court (TCC) disputes relating to cladding issues, cavity barriers and fire stopping in tower blocks in the U.K.
- Instructed as sole Counsel on behalf of the main contractor in a substantial High Court (TCC) claim relating to alleged defects in the design and renovation of a listed U.K. government building including in relation to fire stopping.
- Instructed as sole Counsel in a £15m High Court (TCC) claim relating to alleged structural engineering defects in a multi storey car park in Manchester.
- Drafted pleadings and instructed as Junior Counsel for the claimant owner in a multi-party High Court (TCC) claim relating to alleged structural engineering defects in a multi storey car park in Birmingham claiming remedial works and diminution in value.
- Instructed as Junior Counsel for project management professionals in defending a fire claim where it was alleged that the installation of a lift had caused the destruction of an 18th Century mansion.
- Instructed as sole Counsel on behalf of a main contractor in multi-party TCC litigation in defending alleged structural engineering defects in a bus depot in Bolton.
- Instructed as sole Counsel for the Claimant in High Court (TCC) proceedings for the main contractor against the software safety designer relating to the design and build of facilities for the production of explosive flares for fighter jets.
- 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 as Junior Counsel in a claim relating to the alleged negligent structural engineering design of a multi-span bridge in England.
- 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.
- 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 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 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

Regularly acts as counsel, drafts pleadings and advises in cases to enforce and to resist enforcement of adjudication decisions, including considering arguments for breach of natural justice, lack of jurisdiction and fraud.

Regularly represents parties and advises in adjudication proceedings in oral hearings and producing written submissions.

- 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 seeking to resist enforcement on the basis of being residential occupiers (Howsons Ltd v Redfearn).
- 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.

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

- Balfour Beatty Regional Construction v Van Elle Ltd [2021] EWHC 794 (TCC) (30 March 2022)
- Knowles Ltd v Celtic Bioenergy Ltd [2021] EWHC 1829 (TCC) (15 March 2021)
- Energy Works (Hull)Ltd v MW High Tech Projects [2020] EWHC 2537 (TCC), [2020] B.L.R. 747 (24 September 2020)

- Energy Works (Hull)Ltd v MW High Tech Projects (No.2) [2020] EWHC 2133 (TCC) (3 June 2020)
- Energy Works (Hull)Ltd v MW High Tech Projects [2020] EWHC 1699 (TCC) (3 June 2020)
- Howsons Ltd v Redfearn [2019] EWHC 2540 (TCC); 186 Con.L.R. 222 (20 July 2018)
- Hereema Hartlepool Ltd v Neptune E&P UK Ltd [2018] EWHC 2217 (TCC)
- 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)
- 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)
- Vivergo Fuels Ltd v Redhall Engineering Solutions Ltd [2013] EWHC 4030 (TCC); [2013] All ER (D) 156 (Dec)

Selected Recommendations

"Paul is exceptional - he is incredibly organised and turns around tasks at lightning speed."

"Paul is razor-sharp and exceptionally responsive - you can always rely on him to get the job done to a first-class standard. Paul has an impressive grasp of the technical detail of a case. A future star of the construction Bar."

"He has a very calm and reassuring demeanour and works well with instructing solicitors, clients and witnesses. He is all over the detail and he always has a very cool head on his shoulders, even when times are fraught."

"He is a skilled advocate, delivering effective oral arguments and cross-examination at hearings. He is also extremely diligent."

"An exceptional junior with experience and knowledge you rarely get from a junior."

"A future super-star. He understands commercial needs of the client and is incredibly responsive."

"He quickly grasps the detail of complex claims and provides measured and sensible commercial advice."

"Great with clients and very good written skills and advocacy. He will certainly go far in his career as he has an ability that is beyond his years."

"Able to quickly assimilate and digest a high volume of complex technical information and provide commercial, pragmatic advice."

"Technically excellent and brilliantly responsive. He gets up to speed on complex issues very quickly."

"A go-to junior with an outstanding work ethic and an eye for detail."

"He is user-friendly, unflappable and commercially minded." "He is a rising star and he has an impressive grip on technical detail."

"Very calm and clear in his advice. He is someone to turn to in difficult cases."

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

"First class. He is very intelligent and has the ability to marshal a lot of technical information very quickly and make sense of it."

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

- 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).

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.