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## THOMAS LAZUR

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### Areas of practice

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

### Clerks' Details

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### Practice overview

"Already a silk in the making", Thomas Lazur is "a really gifted junior with a calm and professional approach to matters which puts both clients and solicitors at ease."

As lead counsel his project experience includes the refurbishment of the Palace of Westminster, the Northern Line extension to Battersea, the baggage handling system at Stansted Airport, various energy production facilities, chemical processing facilities, and significant residential developments within the UK.

Working as the leading junior his work has covered a vast range of prominent projects including the Burj Khalifa, Abu Dhabi's International Airport, the Riyadh Metro system, the XRL tunnelling project in Hong Kong, the decommissioning of the UK's Magnox nuclear power stations, various energy production facilities within the UK including energy from waste and renewable energy projects, and a number of shipbuilding cases including the construction of offshore oil production facilities and Sailing Yacht A.

In litigation there are often substantial obstacles to the ideal preparation and presentation of a case. Thomas has been commended for his ability to deal with those issues and to work as part of a team in resolving them. In doing so he has been praised for his proactive approach, his accessibility, and his ability to stay calm under pressure.

As well as his work as a trial advocate, Thomas has been praised for giving clear and concise advice on the law and litigation strategy. He has extensive experience of all aspects of construction related disputes including adjudication enforcement proceedings, applications for security for costs, summary judgment, and other interlocutory issues including the disclosure pilot scheme and costs budgeting. His advisory work covers all construction related disputes including final account claims, claims for professional negligence, and contractual issues such as the interpretation of limitation clauses.

Over half of Thomas' work has involved international arbitration. He has extensive experience of arbitrations under the ICC, LMAA and LCIA arbitration rules.

In addition to his work as counsel, Thomas is a Fellow of the Chartered Institute of Arbitrators (FCIArb), a TECBAR accredited adjudicator, a certified mediator, and an Advocacy Trainer for the Inner Temple.

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## Recent Cases

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### Energy & Natural Resources

Thomas developed a specialism in energy related cases in his first few years of practice after being instructed as sole counsel in an ICC arbitration concerning the final account for a flue gas desulphurisation project in Eastern Europe. After a series of similar cases his work expanded into the oil and gas industry.

He has extensive experience in disputes concerning the construction of vessels used in offshore oil production, works to offshore drilling rigs and associated equipment, and oil and gas processing facilities. He has represented shipbuilders, purchasers and owners dealing with disputes over payment for additional work, termination, delays to delivery, and defects.

His experience extends to a significant range of energy production facilities including the decommissioning of nuclear power stations, traditional coal and gas fired power stations, and several alternative energy facilities including solar, wind, and energy from waste.

Most recently he represented the contractor in a month-long arbitration hearing to determine issues arising from the concurrent construction of three energy from waste facilities in the UK.

In addition to the legal issues that arise out of these cases, he particularly enjoys the technical and engineering issues that have been central to the claims.

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*“Thomas is an excellent advocate who grasped the niche issues extremely quickly and offered excellent suggestions and advice on a complicated dispute.”*

Chambers & Partners UK Bar 2024

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### Offshore Construction & Marine Engineering

Thomas' father worked as an engineer in the oil and gas industry for over 50 years, specialising in turbomachinery used in offshore drilling operations. Having found it a hard career with relatively little reward, he advised Thomas to “never become an engineer”. Following that advice, Thomas set out on a path firmly away from science. It is something of a family joke that, despite his best efforts, he has developed a practice in the same industry.

The bulk of his work in this area has concerned offshore drilling platforms including the construction of new vessels and the refurbishment and extension of existing oil production facilities. His work has involved projects throughout the world including China, Korea, Nigeria, the Gulf of Mexico, and the North Sea.

Thomas is familiar with most of the standard forms used in the industry and is a contributing author to Keating on Offshore Construction and Marine Engineering Contracts.

After publishing his article on the application of the prevention principle in shipbuilding disputes, he was instructed to argue that the prevention principle should be applied under a SAJ based contract. The tribunal agreed, allowing his client to argue that the contract was wrongfully terminated.

He is regularly instructed as junior to silks from other chambers where there are construction related issues, such as defective works and delays, which may be unfamiliar to general commercial practitioners.

He also has significant experience in professional negligence claims arising out of these projects including claims arising out of FEED and EPC contracts associated with the development of existing production facilities. The technical issues he has covered include the floating dynamics of an offloading buoy, the defective design of a slug suppression system, defects in a blowout preventer and its management system, and pitting to propellers caused by a defective design.

He was also instructed on a dispute concerning the construction of Sailing Yacht A – the largest yacht ever built.

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*“He instils confidence given his grasp of the detail and the law, and he has a great technical mind. He is also intelligent and assured on his feet – a skilled advocate and negotiator.”*

Legal 500 2023

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### Construction & Engineering

Thomas has extensive experience in a range of construction disputes from domestic disputes to some of the largest projects in the world. His work covers all aspects of construction disputes including adjudication proceedings and enforcement, advice on payment issues, professional negligence actions, defects, and final account claims. He has advised on contractual issues arising out of all standard forms of building contract. He is a contributing author for Keating on Construction Contracts.

He is familiar with all procedural issues that typically arise out of construction and engineering claims including adjudication enforcement proceedings, applications for security for costs, summary judgment hearings, costs budgeting, claims for declaratory relief, stays for arbitration, the disclosure pilot, and the trial of preliminary issues.

He has advised and acted for property owners, developers and designers on a significant number of cladding disputes post-Grenfell. He has worked on several claims arising from PFI agreements, principally those involving the maintenance of hospital buildings, often involving fire safety issues and wrongful termination claims.

He has considerable experience in transport infrastructure projects, a number of which have involved amended forms of the NEC form of contract. He is also a contributing author of Keating on NEC.

- Represented a steelwork subcontractor in a 2 week arbitration hearing concerning the final account for works at Abu Dhabi International Airport.
- Represented the contractor in a 4 week arbitration hearing in the UK concerning the final account for the concurrent construction of three energy from waste facilities.
- Represented the designer in an 4-week ICC arbitration hearing concerning the final account and professional negligence allegations arising out of the design construction of the Riyadh metro system.
- Advised the main contractor on subcontract issues concerning HS2.
- Advised the main contractor on its entitlement to extensions of time in a drill and blast tunnelling project associated with the XRL Hong Kong to China railway.
- Represented the main contractor in adjudication proceedings relating to the Northern Line tube extension to Battersea.
- Represented the main contractor against the Welsh Government in an arbitration for additional sums under a contract for the dualling of the A465 bordering the Brecon Beacons.
- Represented the steelwork contractor in arbitration proceedings related to a new airport terminal in the UAE.
- Represented the main contractor in a final account dispute with the employer over the construction of a highway in Qatar.

His work on more traditional construction projects is too extensive to list but recent examples include:

- Proceedings for declaratory relief for a housing and associated infrastructure development in North London.

- A final account dispute for the construction of the Burj Khalifa, the tallest building in the world.
- Adjudication proceedings arising out of the refurbishment of the Palace of Westminster.
- A professional negligence claim associated with the backfilling of a quarry and the subsequent construction of a housing development near Corby.
- Advising on the contractual and tortious responsibilities arising out of the design and construction of cladding of tall buildings in the UK.
- Claims associated with the construction of baggage handling systems in Stansted and Gatwick.

He also has significant experience of disputes arising of FEED and EPC contracts associated with pharmaceutical and chemical production facilities including the various forms of contract issued by IChemE. Projects have included the design, construction, and commissioning of:

- An LDPE plant in North East England.
- A cannabis processing facility in Kent.
- A facility to produce Ethylene Di Chloride.

For other examples of work see the Energy and Offshore Construction headings.

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*“Tom’s advocacy is excellent - he makes very difficult issues and submissions easy to understand for the judge to follow.”*

Legal 500 UK Bar 2024

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### Professional Negligence

Thomas has considerable experience in professional negligence actions associated with construction and engineering projects. He has advised both claimants and professionals on the scope and standard of care owed under contract and in tort. He is comfortable with and enjoys claims that involve technical issues from complex steelwork design to engineering issues associated with the design and commissioning of power plants and drilling rigs. He regularly advises on the meaning and effect of clauses that exclude or limit the potential liability of construction professionals.

His recent experience of professional negligence claims includes:

- The production of a FEED report for the development and refurbishment of an oil platform in the North Sea.
- The production of a FEED report and management of an EPC contract for various pharmaceutical and chemical processing facilities.
- The design, supervision, and approval of backfilling works at a quarry for the construction of a housing development near Corby.
- The design of the elevated stations for the Riyadh Metro System.
- The design defects in the steelwork for an energy-from-waste plant in London.
- The thermal design of a residential housing development as part of the development around Arsenal’s new stadium.

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*“He has excellent and personable manner with clients and is a very bright and able advocate.”*

Legal 500 2023

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## International Arbitration

Most of the work listed under Offshore Construction and Marine Engineering has been in the context of an international arbitration, as have all of the international projects mentioned under the other categories above.

Thomas is happy to travel as necessary to deal with his cases. His work has involved projects around the globe including:

- Shipbuilding disputes in China, South Korea and Germany.
- Disputes concerning offshore oil and gas production facilities in the Gulf of Mexico, Angola, Argentina, Nigeria and the North Sea.
- Infrastructure and other building projects in Hong Kong, Saudi Arabia, Dubai and Qatar.

He obtained a Diploma in International Arbitration in 2013 and has been a Fellow of the Chartered Institute of Arbitrators since 2015.

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## Recommendations

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- “Thomas is an excellent advocate who grasped the niche issues extremely quickly and offered excellent suggestions and advice on a complicated dispute.”

Construction, Chambers & Partners UK Bar 2024

- “A brilliant guy to work with.”

Construction, Chambers & Partners UK Bar 2024

- “Tom’s advocacy is excellent - he makes very difficult issues and submissions easy to understand for the judge to follow.”

Construction, Legal 500 UK Bar 2024

- “An incredibly personable, attentive, and supportive barrister. His advocacy is excellent, and he makes very difficult issues comprehensible.”

Energy, Legal 500 UK Bar 2024

- “He has excellent and personable manner with clients and is a very bright and able advocate.”

Energy, Legal 500 2023

- “A really gifted junior with a calm and professional approach to matters which puts both clients and solicitors at ease.”

Construction, Chambers UK 2022

- “Extremely responsive, energetic and user-friendly, he shows top-rate command of dense detail.”

Energy, Legal 500 2022

- “Already a silk in the making.”

Construction, Chambers UK 2021

- “He is noted for shipbuilding disputes.”

Shipping, Legal 500 2021

- “He is extremely hardworking, incredibly user-friendly and highly responsive.”

Energy, Legal 500 2021

- “Has excellent attention to detail and very calm.”

Construction, Legal 500 2021

- “A really sensible barrister, you can rely on him to take a reasoned approach in terms of construction disputes.”

Construction, Chambers UK 2020

- “Very easy to deal with, highly accessible and calm.”

Energy, The Legal 500 2020

- “He is easy to work with, relates well to clients and produces a high-quality work product.”

Energy, Chambers UK 2019

- “He boasts impressive instructions on major infrastructure projects, both domestically and internationally.”

Construction, Legal 500 2018

- “Impressive, proactive and helpful.”

Construction, Chambers UK 2019

- “He’s a very bright guy, good at working as part of a team, and provides good analysis of the case.”

Construction, Chambers UK 2018

- “He is a man of great perception and attention to detail.”

Energy & Natural Resources, Chambers UK 2018

- “His commercial acumen allows him to provide sensible advice that clients understand.”

Construction, The Legal 500 2017

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## Selected Reported Cases

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- Berkeley Homes (South East London) Ltd & Anor v John Sisk and Son Ltd [2023] EWHC 2152 (TCC)
- Marpaul Southern Ltd v Betteshanger Sustainable Park Ltd [2022] EWHC 1515 (Ch)
- Tjd Trade Limited v Bam Construction Limited [2022] EWHC 1285 (TCC)
- Dr Faramarz Shayan Arani v Cordic Group Ltd [2021] EWHC 829 (Comm)
- Arani & Ors v Cordic Group Ltd [2021] EWHC 829 (Comm)
- Castle Trustee Ltd & Ors v Bombay Palace Restaurant Ltd [2018] EWHC 1602 (TCC)
- Co-Operative Group Ltd v Birse Developments Ltd & Ors [2014] EWCA Civ 707
- Co-operative Group Ltd v Birse Developments Ltd [2014] EWCA Civ 707 [2014] BLR 477
- Co-Operative Group Ltd v Birse Developments Ltd [2013] EWHC 3145 (TCC)
- Co-Operative Group Ltd v Birse Development Ltd [2013] EWHC 3352 (TCC)
- Co-operative Group Ltd v Birse Developments Ltd [2013] EWHC 3145 (TCC); [2013] EWHC 3352 (TCC)
- Unaoil Ltd v Amona Ranhill Consortium Sdn Bhd and others [2012] ALL ER (D) 63 (Jun)
- SG South Ltd v King’s Head Cirencester LLP [2009] EWHC 2645 (TCC), [2009] All ER (D) 120 (Nov), [2010] CILL 2793, [2010] BLR 47
- Vector Investments v J D Williams [2009] EWHC 3601 (TCC)
- T & T Fabrications Ltd & T & T Fabrications (A firm) v Hubbard Architectural Metalwork Ltd [2008] Adj.L.R. 04/21
- Nageh v Giddings & Anor [2006] EWHC 3240 (TCC), [2007] CILL 2420

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## Education & Professional Career

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| • Fellow of the Chartered Institute of Arbitrations    | 2015      |
| • Diploma in International Arbitration                 | 2014      |
| • Inner Temple Advocacy Trainer                        | 2013      |
| • Member of the Chartered Institute of Arbitrations    | 2013      |
| • TECBAR Accredited Adjudicator                        | 2012      |
| • Awarded International CPD Grant for Young Barristers | 2010      |
| • Civil Mediation Council (CMC) accredited Mediator    | 2009      |
| • Tenant, Keating Chambers                             | 2006      |
| • Pupillage, Keating Chambers                          | 2005-2006 |

• Bar Vocational Course (BPP)	2005
• Called to the Bar (Inner Temple)	2005
• Diploma in Law (BPP)	2004
• Accenture (Strategy Consultant)	2001-2004
• BA History (Bristol)	2001
• Morgan Stanley Dean Witter (Intern - Investment Management)	2000

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## Memberships

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- Fellow of the Chartered Institute of Arbitrations (FCIArb)
- Technology and Construction Bar (TECBAR)
- Commercial Bar Association (COMBAR)
- International Bar Association (IBA) Society of Construction Law (SCL)

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## Seminars, Publications & Papers

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Thomas is happy to provide seminars on a range of issues to clients in the industry. His recent talks have covered legal issues related to the cladding crisis, the application of the prevention principle in shipbuilding contracts, enforceability of adjudicator's awards, limitation and liquidated damages clauses and general advice on the management of TCC claims.

He produces regular TCC Video Case Reports on significant judgements shortly after they have been handed down. You can view them on his youtube channel here: <https://www.youtube.com/user/thomaslazur/featured>

His work on other publications includes:

- The Prevention Principle – Onshore v Offshore and the problem of Time at Large
- Keating on Offshore Construction and Marine Engineering Contracts - Contributor.
- Keating on Construction Contracts - Contributor.
- Keating on NEC3 David Thomas QC - Contributor.
- Bullen & Leake & Jacob's Precedents of Pleadings - co-author of Section H: Construction.

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## Additional Information

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Thomas lives in Sevenoaks with his wife, three children, dog, cats and chickens. He dreams of a future when he can spare the time to play golf.