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KEATING
CHAMBERS

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Thomas Saunders

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Areas of practice

- Construction & Engineering
- Professional Negligence
- Energy
- Public Procurement
- PFI
- Adjudication
- Arbitration
- Insurance
- Property
- Public Utilities
- General Commercial
- Advocacy

Clerks' Details

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Practice overview

Thomas Saunders was called to the Bar in 2019. He has been a tenant in Chambers since 2020.

Thomas has experience across Chambers' main practice areas, including construction and engineering, energy, procurement, and professional negligence. In addition to regularly appearing in court as an advocate in his own right (both within and outside Chambers' main specialisms), Thomas undertakes led work as a member of larger counsel teams drawn from both inside and outside Chambers, and has a busy drafting and advisory practice. Recent highlights include acting (as part of two different counsel teams) on two disputes arising out of the construction of the same energy-from-waste plant in Hull, one of which culminated in a five-week TCC trial before Pepperall J.

Thomas provides advice, drafting and representation at all stages of the litigation or other dispute resolution process. He has worked with a number of major standard forms, including JCT, NEC, FIDIC, IChemE and RIBA forms, as well as bespoke contracts and PFI agreements, and is a contributor to Keating on JCT Contracts.

Recent Work

Construction & Engineering

- Representing a homeowner in a County Court trial concerning the defective installation of a conservatory.
- Drafting defence & counterclaim on behalf of a housebuilder in a claim brought by a painting and decorating contractor in respect of retention across five separate developments.
- Advising and drafting letter of claim in a claim by a residential landlord against a contractor for unlawful suspension, delay, and defective and incomplete works.
- Advising, drafting and providing representation in a number of disputes concerning works carried out to domestic property, including drafting and representation in the pre-action protocol period, acting for both contractors and homeowners.
- Representing a homeowner in a claim against project managers following refurbishment works (including a claim for wrongful receipt of a secret commission), including obtaining an unless order requiring the defendants to replead the defence.
- Representing a defendant contractor in making a security for costs application in a claim by a subcontractor for payment of retention.
- Representing a homeowner in an application by a contractor to set aside default judgment.
- Second junior in a substantial multi-party cladding dispute concerning a mixed commercial and residential development in London.
- Drafting defence & counterclaim, and particulars of an additional claim, on behalf of a contractor in respect of a claim for repayment of overpaid VAT following the conversion of business premises into residential premises.
- Advising and drafting pre-action correspondence in a claim against a builder's merchant and nominated sub-contractor.
- Advising on whether a consultant's prior knowledge could be imputed to a contractor following a novation of the consultant's appointment from the employer to the contractor.

Professional Negligence

- Acting for a homeowner in a claim against an architect for negligent design and supervision of renovation works, including representation at CCMC and advice on disclosure.
- Representing a homeowner in a claim against project managers following refurbishment works (including a claim for wrongful receipt of a secret commission), including obtaining an unless order requiring the defendants to replead the defence.
- Drafting particulars of claim in a claim against a contract manager for remedial costs and consequential losses following the failure of a steam boiler.
- Drafting particulars of claim in a claim against both architect and design-and-build contractors for faulty design of a housing development leading to damp, decay and structural issues.

Energy

- Acting in a delay claim against a subcontractor concerning the construction of an energy-from-waste plant under the IChemE Yellow Book.
- Acting as third junior in a substantial post-termination dispute between an employer, a main contractor and a subcontractor on a power plant.
- Acting in an ICC arbitration concerning the design and construction of a solar power plant in Africa.
- Drafting points of claim and points of reply in an arbitration concerning power generation from landfill gas.
- Drafting reply contentions in an arbitration concerning the construction of a fuel loading jetty.

Public Procurement

- Acting as second junior (with Sarah Hannaford QC and Rachael O'Hagan) in a dispute concerning the application of the urgent procurement provisions in regulation 32(2)(c) of the Public Contracts Regulations 2015 during the Covid-19 pandemic.
- Drafting skeleton argument for a case management conference involving an application to amend particulars of claim and an application for security for costs.

PFI

- Acting for the contractor in a contractual adjudication under a PFI contract concerning the collection and disposal of waste.

Adjudication

- Advising on and drafting particulars of claim in a claim by an adjudicator for unpaid fees.
- Acting for the contractor in a contractual adjudication under a PFI contract concerning the collection and disposal of waste.
- Acting for a main contractor in a statutory adjudication concerning the nature of the sub-contract and the lawfulness of its termination.
- Acting for an employer in a 'smash and grab' adjudication raising issues of the applicable Scheme for Construction Contracts.
- Drafting particulars of claim in a claim to enforce an adjudicator's decision made pursuant to the Scheme for Construction Contracts.

Arbitration

- Acting in an arbitration under the ICC Rules on behalf of an architect against a former client seeking payment of unpaid fees, including issues of arbitral jurisdiction and proper law.
- Advising on an application for a stay under section 9 of the Arbitration Act 1996.
- Acting in an ICC arbitration concerning the design and construction of a solar power plant in Africa.
- Drafting points of claim and points of reply in an arbitration concerning power generation from landfill gas.
- Drafting reply contentions in an arbitration concerning the construction of a fuel loading jetty.

Insurance

- Representing the NHBC in claims brought by homeowners under their policies or to enforce settlements reached following recommendation from the Financial Ombudsman Service.

Property

- Drafting skeleton argument in an application for interim relief to restrain a sub-contractor from returning to site and damaging property following a payment dispute.

Public Utilities

- Drafting defence in a claim brought by a homeowner against a telecommunications provider for delay in providing him with an Internet connection.
- Representing a utilities provider in the trial of a claim under the New Roads and Street Works Act 1991 for damage caused by an electrical fault.
- Resisting an application to amend a defence to plead limitation in a claim under the New Roads and Street Works Act 1991.

General Commercial

- Advising a national retailer on the applicability of restrictions under the Health Protection (Coronavirus, Restrictions) (England) (No 4) Regulations 2020 (the November 2020 Covid-19 lockdown), and the enforcement options available to local authorities.
- Drafting defence & counterclaim in a sale of goods dispute concerning the supply of structural insulated panels and associated materials for construction of student accommodation, and representing defendant at CMC.
- Representing a provider of professional training services in a claim for breach of contract, of consumer protection regulations, and of the Equality Act 2010.
- Advising and drafting RFI in a claim by a plant hire company for unpaid invoices.
- Drafting application for a Part 8 claim to be treated as a Part 7 claim, as well as for relief from sanctions in respect of the late filing of an acknowledgement of service.
- Advising on an application to add the defendant's solicitor as a party under CPR rule 19.2 on the basis that it held a deposit as stakeholder.

Advocacy

- In addition to trials and final hearings, Thomas has experience of a range of interim hearings, including applications for relief from sanctions, permission to amend pleadings, security for costs, strike out and / or summary judgment, and to set aside default judgment.

Education & Professional Career

Tenant, Keating Chambers	2020
Pupil, Keating Chambers	2019–20
Called to the Bar, Middle Temple	2019
Bar Professional Training Course, City Law School (Outstanding, 5th in year) 2018–19	
Graduate Diploma in Law, City Law School (Distinction)	2017–18
Researcher, Chambers & Partners	2016–17
BA (Philosophy), St John's College, University of Cambridge	2013–16

Awards & Scholarships

Jane Lemon QC Essay Competition (third prize)	2020
Rosamund Smith Mooting Competition, Middle Temple (winning team, Ede & Ravenscroft prize for best individual)	2019
Everard ver Heyden Foundation Prize, City Law School	2019
Henderson Chambers Prize, City Law School	2019
Sachs Prize, Middle Temple	2019
Certificate of Honour, Middle Temple	2019
Nicholas Pumfrey Memorial Scholarship, Middle Temple	2018

Additional Information

Thomas is a keen rugby player and enjoys skiing. When time permits, he reads widely and somewhat indiscriminately, in particular fiction of all stamps.