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KEATING
CHAMBERS



Tom Walker

Call: 2019

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Areas of practice

- Advocacy
- Construction & Engineering
- Professional Negligence
- Energy and Natural Resources
- Planning
- Offshore / Marine
- Litigation
- International Arbitration
- Procurement
- Adjudication
- Property/Party Wall

Clerks' Details

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Practice overview

Tom Walker was called to the Bar in 2019 and became a tenant at Keating Chambers in 2022 following successful completion of his pupillage.

Tom is developing a broad and busy practice across Chambers' specialisms. During pupillage, Tom's work encompassed a wide range of practice areas. These included construction and engineering, professional negligence, energy and natural resources, marine and off-shore, utilities, procurement and planning.

Recent highlights include:

- Acted as sole counsel on an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing. This included conducting the cross-examination of several witnesses of fact and an expert witness.
- Acted as sole counsel in the High Court in relation to a successful application for an ex parte interim prohibitory injunction restraining a trespass and an ex parte interim mandatory injunction requiring a contractor to make safe the roof of the applicant's property.
- Instructed as sole counsel for the Defendant surveyor in a professional negligence claim, with a two-day trial in the High Court.
- Represented HS2 in a procurement challenge brought in relation to a £2.75bn rolling stock

contract. This included a 4-week TCC trial in November–December 2022 and two strike out applications.

- Defending an insurer in relation to an IT dispute valued at circa £340,000.00.
- In addition to his involvement in a substantial amount of court work (both assisting others and appearing in his own right), Tom has gained experience of various forms of alternative dispute resolution, including adjudication (contractual and statutory) and arbitration (UNCITRAL and LCIA rules).

Before coming to the Bar, Tom worked as a county court advocate for a law firm, LPC law. During this time Tom would conduct several hearings a week in his own right in relation to mortgage possession; landlord and tenant possession; infant settlement; setting aside default judgment; and bankruptcy. Whilst studying for the Bar Course, Tom represented his Inn of Court, Middle Temple, in the Vis International Commercial Arbitration Moot. This saw Tom compete in several European countries over the course of the year and win two awards for his advocacy.

Tom accepts instructions to advise, draft pleadings and represent clients in relation to a broad range of commercial matters, with an emphasis upon construction, engineering, professional negligence, and energy disputes.

Recent Cases

Advocacy

- Acted as sole counsel on an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing. This included conducting the cross-examination of several witnesses of fact and an expert witness.
- Ex parte application for interim injunctions (High Court) – Acted as sole counsel in the High Court in relation to a successful application for an ex parte interim prohibitory injunction restraining a trespass and an ex parte interim mandatory injunction requiring a contractor to make safe the roof of the applicant’s property.
- Instructed as sole counsel for the Defendant surveyor in a professional negligence claim, with a two-day trial in the High Court.
- Instructed in a one-day trial representing the Claimant in a professional negligence claim against an architect (Oxford County Court).
- Application for relief from sanctions (County Court at Norwich) – Successfully obtained relief from sanctions where a claim had been struck out for non-payment of a Court fee.
- Final hearing (Worcester County Court) – appeared on behalf of the Claimant and successfully obtained damages in a claim for property damage.

Construction and Engineering

- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing. This included conducting the cross-examination of several witnesses of fact and an expert witness.
- Drafted Particulars of Claim on behalf of a construction contractor for breach of contract/negligence against a screed supplier for the supply and installation of defective screed.
- Drafted a Defence on behalf of a bathroom fit-out contractor, against whom liability for various bathroom defects was alleged by the owners of several apartments.
- Advised a building and engineering services contractor on limitation issues arising out of a potential claim for breach of contract/negligence against a supplier of boilers.
- Advised a civil engineering and groundworks subcontractor on its prospective claim against a main contractor for the costs incurred repairing a warehouse floor slab.
- Drafted Particulars of Claim on behalf of a hotel for breach of contract/negligence against a building contractor arising out of the supply and installation of defective water pipes.
- Advised a construction and engineering contractor on the meaning and effect of notice provisions under a design and construction contract.
- Drafted Particulars of Claim in a claim for breach of a take or pay agreement in relation to

the provision of concrete products.

Professional Negligence

- Drafted a Defence in respect of a claim against a surveyor and is instructed in the upcoming two-day trial in the High Court.
- Instructed in a one-day trial representing the Claimant in a professional negligence claim against an architect (Oxford County Court).
- Advised a developer on whether potential claims for the provision of a defective design by a subcontractor had been settled under a settlement agreement.
- Drafted Particulars of Claim in a claim against a sole trader for the defective installation of a canopy.

Energy and Natural Resources

- Advised a construction contractor on the proper construction of provisions relating to a performance test under an EPC contract for a solar power farm.

Planning

- Drafted opening submissions for the appellant developer in an appeal under section 78 of the Town and Country Planning Act 1980 relating to the proposed construction of a residential development of 60 dwellings with supporting infrastructure and enabling works.
- Drafted closing submissions for the appellant developer in an appeal under section 78 of the Town and Country Planning Act 1980 relating to the proposed construction of a residential development of 60 dwellings with supporting infrastructure and enabling works.

Offshore/Marine

- Advised a dredging sub-contractor on the prospects of a claim to recover the costs arising out of damage to a dredger and subsequent delays to the works. In particular, advised on the NEC3 compensation event provisions.

Litigation

- Drafted a skeleton argument in support of an application to the High Court to obtain an interim prohibitory injunction on a quia timet basis to prevent threatened trespass and property damage.
- Drafted a skeleton argument resisting an application to the High Court to obtain an interim mandatory injunction and supporting a cross application for a stay of proceedings under section 9 of the Arbitration Act 1996.
- Drafted a skeleton argument in support of an application to the High Court for an order that the decision of the joint liquidators of the respondent company be reversed pursuant to the Insolvency (England and Wales) Rules 2016.
- Drafted a skeleton argument resisting an application to the High Court for summary judgment to enforce an adjudicator's decision.
- Drafted a skeleton argument in support of an application to the High Court for summary judgment to enforce an adjudicator's decision.

International Arbitration

- Acted as sole counsel on an international arbitration in Singapore concerning a contract dispute worth approximately \$2.4 million. This included a two-day final hearing.
- Acted as sole counsel on an international arbitration in the UAE concerning a dispute over a performance guarantee, with a three-day final hearing.
- Instructed as junior counsel to William Webb KC in a £200 million ICC Arbitration concerning a project in the Middle East.
- Drafted a Request for Arbitration under the LCIA Rules. The dispute related to the

construction of an offshore wind farm.

Procurement

- Represented HS2 in a procurement challenge brought in relation to a £2.75bn rolling stock contract (led by Sarah Hannaford KC). This included a 4-week TCC trial in November-December 2022 and two strike out applications.
- Instructed as junior counsel to Rhodri Williams KC in a procurement challenge concerning the redevelopment of 65 hectares of land in Lancashire. This has so far included representing the Defendant at a strike out application, as well as providing advice.
- Advised a county council on the application of the automatic suspension under the Public Contracts Regulations 2015.
- Advised a university on the prospects of a potential procurement challenge following its unsuccessful bid for a contract for the provision of apprenticeship training.
- Drafted a Letter Before Claim for a university following its unsuccessful bid for a contract for the provision of apprenticeship training.

Adjudication

- Advised a contractor on the prospects of resisting enforcement of an adjudicator's award in the TCC on the basis of various jurisdictional challenges.
- Drafted Particulars of Claim for the enforcement of an adjudicator's decision in the TCC.
- Drafted a Referral Notice in a dispute concerning the defective design and construction of a steel frame intended for use in the construction of a new building on a farm.

Property/Party Wall

- Drafted the Particulars of Claim in a professional negligence claim against two party wall surveyors.
- Advised a residential property owner on the prospects of appealing an award by a Third Surveyor under the Party Wall etc. Act 1996.
- Drafted a referral to a Third Surveyor under the Party Wall etc. Act 1996.

Education & Professional Career

BA Philosophy and Theology, University of Bristol (First – top of the year): 2013 – 2016

MA Music Business Management, University of Westminster (Distinction – 2nd in the year): 2016 – 2017

Graduate Diploma in Law, BPP (Distinctions in Tort, Contract, and EU law): 2017 – 2018

Bar Professional Training Course, BPP (Outstanding in Civil Litigation, ADR, and Civil Advocacy): 2018 – 2019

Called to the Bar, Middle Temple: 2019

County Court Advocate, LPC Law: 2019 – 2020

LLM International Commercial Law, UCL (Distinction, with 82% in a dissertation on good faith in English contract law): 2020 – 2021

Pupil, Keating Chambers: 2021 - 2022

Awards & Scholarships

The Honourable Mention of the White & Case LLP Pre-Moot – White & Case LLP: 2019

The Honourable Mention of the fourth Fox Williams LLP Pre-Moot – The Chartered Institute of Arbitrators and Fox Williams LLP: 2019

The Harmsworth Scholarship, BPTC – Middle Temple: 2018

The Director's Bursary Award – BPP: 2018

The Harmsworth Scholarship, GDL – Middle Temple: 2017

Career Guarantee Scholarship – BPP: 2017

Languages

English, French (basic)

Additional Information

Tom is a keen musician having played guitar, sung in and managed a tenaciously unsuccessful rock band for a number of years. He is also an enthusiastic cook.