



CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY, NATURAL RESOURCES AND UTILITIES
PROFESSIONAL NEGLIGENCE
INFORMATION TECHNOLOGY AND
TELECOMMUNICATIONS

Steven Walker KC

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PRACTICE

Steven Walker KC specialises in advising and representing parties to complex commercial contracts relating to a wide range of subject matter including the design and delivery of buildings, oil and gas installations, power generation plant, process and engineering plant, ships, IT systems, telecommunications systems, PFI/PPP, facilities management and professional services.

Steven has extensive experience in the energy sector having been heavily involved in a number of projects concerning the design and construction of offshore wind farms, energy from waste plants and other forms of renewable energy.

Transport-related projects have formed an important part of Steven's practice over the past 25 years. His first case in the sector concerned the Eurostar high-speed train sets and since then he has been involved in numerous projects in the road, rail and air sectors including the construction of the HS1 high-speed rail link, airport runways and other airport infrastructure, overground and underground rail and tram systems, road construction/extension, and communication systems.

He has appeared as advocate in the Technology and Construction Court (TCC), the Court of Appeal, numerous arbitrations (including ICC, DIAC, UNCITRAL, HKIAC, LCIA and LMAA) and adjudications, and in expert determination and mediation. His arbitration experience includes substantial international experience.

"A "very impressive and very clever" advocate, who handles TCC and Court of Appeal cases. He focuses on a diverse range of contractual disputes including those relating to the construction of buildings, oil and gas installations, and ships." (Construction, Chambers & Partners)

"Very user-friendly and great at analysing the facts. He's very cool and calm under pressure." (Construction, Chambers & Partners)

"He is responsive, user-friendly, approachable and quite direct in ensuring he does what needs to be done." (Energy & Natural Resources, Chambers & Partners)

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Steven is instructed by employers, contractors, sub-contractors, consultants and insurers on all aspects of construction and engineering contracts, including PFI/PPP projects, and claims involving allegations of professional negligence. Recent cases include:

- Representing the contractor in TCC proceedings in litigation arising out of an amended JCT Design and Build Contract for the renovation, refurbishment and extension of a Grade 1 listed city centre hotel. Issues included entitlement to extensions of time and additional payment.
- Representing an international contractor in ICC arbitration and related proceedings in the Commercial Court in disputes concerning the disputed termination of FIDIC (World Bank) contracts for the upgrading of motorways and restraining calls on performance securities provided pursuant to those contracts. Steven appeared in the Commercial Court (**A v B** [2017] EWHC 2055) and in the ICC arbitration.
- Successfully conducted the trial of limitation issues under the Civil Liability (Contribution) Act 1978 in **RG Carter v Kier** [2018] EWHC 729 (TCC) [2018] BLR 441.
- Appeared in the Commercial Court in a claim for payment under a guarantee relating to a Share Purchaser Agreement (**Abbot Investments v Nestoil** [2017] EWHC 119 (Comm)).
- Acting for the contractor in arbitration proceedings under the UNCITRAL Rules arising from the disputed termination of a FIDIC contract for the construction of process plant.
- Successfully conducted an appeal to the Court of Appeal in **Sutton Housing Partnership v Rydon** [2017] EWCA Civ 359. The appeal concerned the proper interpretation of a standard form contract for housing maintenance.
- Acting for the contractor employed to construct a 101-storey residential skyscraper in Dubai. The case concerned the termination of the cladding subcontractor's employment during the works.
- Acting for the contractor employed to construct a 122-floor 500m+ residential skyscraper in Dubai. The case concerned the contractor's claims for termination of the contract, payment and loss of profit. The claims were for circa. £ 200m. Issues included whether there was an entitlement to terminate and the sums due upon termination.
- Airport infrastructure:
 - Acting for the contractor in disputes under an NEC Contract relating to the design and construction of an airport runway and navigational aids.
 - Acting for the employer in disputes under an NEC Contract relating to the design and construction of airport facilities.
- Successfully obtaining injunctions in the TCC to restrain a main contractor from taking a subcontractor's confidential plans that were on site in Saudi Arabia following a disputed termination pending a claim in arbitration (**Seele Middle East FZE v Drake & Scull International SA Co** [2014] EWHC 435 (TCC)).
- Representing the contractor in a trial in the TCC concerning the lawfulness of the termination of a contract for the design and construction of a LDPE plant (**Sabic UK Petrochemicals Ltd v Punj Lloyd Ltd** [2013] EWHC 2916 (TCC), [2013] Bus LR D81).

ENERGY, NATURAL RESOURCES AND UTILITIES

Steven has acted for owners, EPC contractors, subcontractors and insurers in relation to disputes in the power generation and oil and gas sectors for many years. In more recent years he has worked on numerous projects in the renewable energy sector.

- Representing the D&B contractor before a three-member DRB in a case concerning disputes arising from a contract for the supply of equipment for incorporation in a nuclear power plant. The parties were in dispute as to the reasons for delay and their rights in relation to additional payment and liquidated damages,
- In **PBS Energo v Bester Generacion** [2020] EWHC 223 (TCC) the TCC overturned an adjudicator's decision that PBS was entitled to terminate an EPC contract based on FIDIC terms for the delivery of a biomass energy plant and found that Steven's client, Bester, had lawfully terminated the contract.
- Successfully acted in the Court of Appeal on behalf of the defendant in an appeal against the decision in **PBS Energo A.S. v Bester Generacion UK Ltd** [2019] EWHC 996 (TCC) [2019] BLR 350 which rejected the appellant's claim for summary judgment made to enforce the decision of an adjudicator in 2018. **PBS Energo AS v Bester Generacion UK Ltd** [2020] EWCA Civ 404.
- Acting for a subcontractor in an application under section 44 of the Arbitration Act 1996 to restrain calls being made on performance bonds provided in respect of a contract for the supply of plant for use in a power generation plant in Brazil (**Doosan Babcock v Comercializadora De Equipos Y Materiales Mabe Limitada** [2014] BLR 33).
- Deciding on a number of disputes between the principal contractor and an engineering contractor in relation to the expansion of an LNG import terminal. Appointed to act as adjudicator by agreement of the parties. The disputes concerned the alleged existence of variations, the definition of the Works and the correct method of valuation of variations.
- Advising and acting for an EPC contractor engaged in the engineering and construction of an onshore plant for the processing of gas from offshore fields. Issues arose as to the operation of the payment provisions of a contract between the EPC contractor and a subcontractor, the assessment of sums due to the subcontractor, the existence and operation of rights of set-off on the part of the EPC contractor and the quantification of sums that might be claimed by way of set-off.
- Representing the employer in an expert determination arising from the supply and installation of power generation plant.
- Advising the developer of an offshore wind farm in various disputes concerning access to wind and weather data and pile installation.
- Acting for the main contractor in relation to a project for the design and construction of a 65MW £200m biomass power plant. The dispute involved proceedings in the TCC relating to three adjudication decisions. There followed three arbitration proceedings relating to the specific performance of subcontract obligations.

- Advising and representing the owner of an offshore wind farm (Greater Gabbard) in relation to arbitration proceedings under the LCIA rules. The proceedings concerned issues relating to the contractor's alleged entitlement to additional payment (c.£300m), extensions of time and liquidated damages (c.£90m).
- Advising the owner developing an offshore wind farm in relation to issues arising from design modifications to foundation structures.

PROFESSIONAL NEGLIGENCE

He has extensive experience in claims involving allegations of professional negligence in the construction sector. Recent examples include **Goldswain & Anor v Beltec Ltd** [2015] BLR 300 which involved allegations of professional negligence against a firm of engineers in relation to the design of temporary works for the construction of a basement under existing premises which collapsed. Steven successfully defended the claim. Other recent cases include:

- Acting for the contractor in a contribution claim against the designer of a school (**RG Carter v Kier** [2018] EWHC 729 (TCC)).
- Acting for the contractor in proceedings arising from the Dartington "eco school scandal" which involved the design and construction of a carbon zero school which was demolished in 2016, around six years after completion, due to water damage.
- Acting for geotechnical engineers in relation to claims made relating to ground investigation services and advice in relation to foundation design.
- A claim alleging professional negligence against surveyors retained by lenders to advise on a proposed development and to monitor the construction of the development.
- A claim alleging that quantity surveyors had been negligent in the administration of a target cost contract.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Steven is instructed by purchasers and suppliers in numerous cases relating to the provision of advanced technology, either on its own or included as part of package of other works and services. His experience includes the following:

- Obtaining specific performance of obligations under a contract for the supply of a tram operating system in connection with the extension of the Manchester tram network and representing the employer in relation to disputes arising under that contract (**Transport for Greater Manchester v Thales Transport & Security**).
- Obtaining an interim injunction on behalf of Talaris BV restraining marketing of computer software which was alleged to be in breach of an exclusive distribution agreement (**Talaris BV v Network Controls International** [2008] EWHC 2930 (TCC)).
- Acting for out-sourcing specialists in relation to disputes arising from a long-term outsourcing contract for the provision of (amongst other things) IT and management systems to a public body. Issues included the availability of injunctive relief to restrain the client from exercising termination provisions.

NOTABLE CASES

Biosol Renewables UK Ltd v Lovering [2021] EWHC 71 (Comm) – successful claim for payment and damages for repudiation.

PBS Energo AS v Bester Generacion UK Ltd [2020] EWCA Civ 404 - successful defence of appeal against the decision in **PBS Energo A.S. v Bester Generacion UK Ltd** [2019] EWHC 996 (TCC) [2019] BLR 350.

PBS Energo AS v Bester Generacion UK [2019] EWHC 996 (TCC); [2019] BLR 350: adjudication enforcement – summary judgment refused where decision arguably procured by fraud.

Gosvenor London v Aygun Aluminium [2018] EWCA Civ 2695; [2019] BLR 99: adjudication enforcement – stay of execution – applicable principles regarding fraud allegations raised to support a stay application.

R G Carter v Kier Business Services [2018] EWHC 729 (TCC); [2018] BLR 441: the proper construction of section 10 of the Limitation Act 1980 (claims for contribution under the Civil Liability (Contribution) Act 1978).

Sutton Housing Partnership v Rydon Maintenance [2017] EWCA Civ 359; [2017] 1 All ER (D) 126: the proper construction of KPI and Minimum Acceptable Performance levels in a term contract for the maintenance of local authority housing.

Balfour Beatty Regional Construction v Grove Developments [2016] EWCA Civ 990; [2017] BLR 1: the proper construction of payment provisions in an amended JCT Standard Form Design and Build 2011.

Goldswain v Beltec and anor [2015] EWHC 556 (TCC); [2015] BLR 300: professional negligence and a professional's duty to warn where harm may occur.

Doosan Babcock v Comercializadora De Equipos Y Materiales Mabe Limitada [2014] BLR 33 – Injunction to restrain call on bonds – approach to injunctions in cases where beneficiary may be in breach – principle that no party may benefit from its own wrong.

SABIC v Punj Lloyd [2014] BLR 43: Delay – Obligation to carry out works "with due diligence" – Meaning - Implied terms – Whether implied term not to hinder or disrupt – Whether implied term to do all necessary to bring about completion of contract - Exclusion clauses – Limitation clauses – Whether clause limiting aggregate liability of contractor applied to claim for payment under termination provision – Whether claims for lost revenue and interest excluded by clause excluding liability for consequential and indirect loss, expense or damage and for loss of production or profit.

Mi-Space (UK) v Lend Lease [2013] BLR 600: Pre-action disclosure and whether contract contained an agreement to refer disputes to arbitration.

Parkwood Leisure v Laing O'Rourke [2013] BLR 589: Whether collateral warranty amounts to a contract for the carrying out of construction operations within the meaning of the Housing Grants Construction and Regeneration Act.

Transport for Greater Manchester v Thales [2012] 146 Con LR 194: Claim for specific performance of obligations.

Transport for Greater Manchester v Thales [2013] BLR 339: Whether reports on performance subject to litigation privilege.

Durham CC v Kendall [2011] BLR 425: Enforcement of adjudicator's decision – waiver of objection – identity of claimant – whether contract terms in writing.

John Youngs Insurance v Aviva [2012] 1 All ER (Comm) 1045: Extent of fiduciary duty owed by a contractor to the employer.

Mouchel v Van Oord (UK) [2011] BLR 492: Claims for costs under the Contribution Act 1978.

Supablast v Story Rail [2010] BLR 211: Enforcement of adjudicator's decision – whether arguable defence there were 2 contracts.

Speymill v Baskind [2010] BLR 257 (CA): Enforcement of adjudicator's decision where fraud is alleged.

HS Works v Enterprise [2009] BLR 378: Adjudication – natural justice – multiple adjudications and method of enforcement using set-off.

QUALIFICATIONS AND AWARDS

2012	Appointed Queen's Counsel
1989-1992	LLB (Hons) (1 st Class), University of East Anglia
1991	The Observer Mace Mooting Competition (Winner)
1993	Hardwicke Scholar
1993	Wolfson Scholar
1993	Called to the Bar (England & Wales)

ADDITIONAL INFORMATION

Steven is a member of TECBAR, SCL and the LCLLCBA.

RECENT RECOMMENDATIONS

"Steven Walker is a first-rate KC who gives strong, accurate and reliable advice and is also extremely personable."

"He's a calm and focused advocate who knows what works with the judges and arbitrators."

"Steven is understated but delivers a punch quietly. He gives excellent advice and stays calm in very difficult situations."

"He is very smart, commercial and gives robust and sound advice and delivers on time."

Construction, Chambers UK Bar 2023

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"Steven is a top-quality KC who delivers a first-rate service and is very intelligent and approachable in equal measure."

"He gives excellent advice, stays calm in very difficult situations and is always reliable."

"Steven is very good with clients and provides clear, commercial advice. He is our go-to when we need KC input."

Professional Negligence, Chambers UK Bar 2023

"He is sensible, calm and yet technically devastating."

Energy & Natural Resources, Chambers UK Bar 2023

"Steven is exceptional in every aspect. He is extremely knowledgeable which coupled with his experience makes him a formidable force both in his writing and research as well as in his advocacy skills."

Construction, The Legal 500 2023

"Steven has an excellent mind and is one of the very best around for PFI and energy matters – good on strategy and excellent in front of clients."

Energy, The Legal 500 2023

"Very reliable, and a truly trusted adviser. Doesn't take long to form a view on any particular issue and provides very clear advice. Great on his feet and very respected KC."

Professional Negligence, The Legal 500 2023

"He is very impressive. He is not aggressive in cross-examination and has a very good knowledge of the construction industry."

"He has really great client care skills."

"His written opinions are clear for clients and his directions are very commercial."

Construction, Chambers UK Bar 2022

"He is very bright and good at getting on top of lots of information very quickly."

"He is down to earth and explains things in a very understandable way."

Energy, Chambers UK Bar 2022

"He's very efficient: he gets to the nub of the issue in a succinct fashion even when there is a lot of information to deal with."

"He's very clear and easy to work with."

Professional Negligence, Chambers UK Bar 2021

"His great skill is making the complicated appear simple, and communicating that clearly to clients and the courts."

Construction, The Legal 500 2022

"Exceptionally bright, with a calm yet authoritative demeanour which helps cuts through the most difficult of issues. Brilliant on his feet."

Professional Negligence, The Legal 500 2022

"Understated on his feet but comes with a bite, he is a master tactician who is calm under pressure but deeply forensic in his analysis."

Energy, The Legal 500 2022

"A very good tactician with a strong eye for detail as well as for the big picture." "He has a cross-examination style which is highly effective, whilst his preparation and attention to detail is impeccable and virtually unrivalled."

Construction, Chambers UK Bar 2021

"He's really good at seeing the route to take to resolve a dispute. He has good commercial judgement and a very approachable way of dealing with lay clients." "He was a guiding light in many disputes, brought strategic and tactical thinking and was a good, safe pair of hands to work with." "Very good on wind farm work."

Energy, Chambers UK Bar 2021

"He is great to work with – very prompt and reliable in turning papers around under pressure, and provides very clear advice."

Professional Negligence, Chambers UK Bar 2021

"He has the ability to provide clear and succinct advice, no matter how technically complex the matter is."

Professional Negligence, The Legal 500 2021

"He is technically brilliant and a great strategist, very sharp and always calm under pressure."

Energy, The Legal 500 2021

"Very thorough, dedicated, has an excellent manner with clients and is an absolute pleasure to work with. He has a cross-examination style which is highly effective."

Construction, The Legal 500 2021

"He's excellent at strategy, and has great technical ability and client service. He gets things done quickly and efficiently." "Very thorough and dedicated, he has an excellent manner with clients and is an absolute pleasure to work with. He has a deceptively understated cross-examination style which is highly effective."

Construction, Chambers UK Bar 2020

"Steven is very assured and provides concise, effective advice. His calm and decisive manner is much appreciated."

Energy, Chambers UK Bar 2020

"Excellent and very bright."

Construction, The Legal 500 2020

"He is a very skilled advocate."

Professional Negligence, The Legal 500 2020

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The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.