



CONSTRUCTION, ENGINEERING AND  
INFRASTRUCTURE  
ENERGY AND UTILITIES  
TECHNOLOGY  
ADJUDICATION

## Dalton Hale

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### PRACTICE

Clients describe Dalton as “*knowledgeable, thorough, proactive and original in approach*” and “*an effective advocate*” with “*great attention to detail*”. He has a broad practice covering all areas of Chambers’ work, including construction, engineering, infrastructure, energy and utilities, insurance, and technology. He is listed for Construction in both Chambers UK Bar Guide and The Legal 500.

He frequently acts as sole counsel, as well as junior counsel as part of larger teams. He represents and advises clients both domestically and internationally and is instructed on various high-value and technically complex disputes, as well as on a number of smaller matters. He is experienced in all stages of litigation, arbitration, and adjudication.

Dalton is currently acting as junior counsel to the largest group of bereaved families, survivors, and former residents in the Grenfell Tower Inquiry, currently awaiting the Chairman’s Phase 2 report.

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### CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Dalton has experience in a range of domestic and international construction, engineering and infrastructure disputes, both in the TCC and in domestic and international arbitrations. Recent work includes:

#### Cladding and Fire Safety

- Led by Stephanie Barwise KC, as one of three junior construction counsel to the largest group of bereaved families, survivors and former residents in the Grenfell Tower Inquiry.
- Acting for the Employer in its £50m claim concerning defective cladding and other fire safety defects in a substantial student accommodation development.

- As sole counsel, successfully representing a cladding sub-contractor at trial in respect of its claim against a main contractor for unpaid invoices and defending a counterclaim for defective cladding works.

## Infrastructure

- As junior counsel, representing a multi-national design subcontractor in a US\$300m+ dispute concerning a large-scale metro project in the Middle East. Responsibilities included drafting requests for arbitration, pleadings and provision of advice on contractual interpretation, as well as taking the role of lead junior in a US\$10m sub-claim.
- Led by Chantal-Aimée Doerries KC representing the Employer in a £30m+ dispute concerning a PFI rail project in the UK.
- Advising on the interpretation of a CAR insurance policy, including LEG 3, in respect of the longest twin railway tunnels in Scandinavia.

## Construction

- Advising and settling pleadings in a £20m TCC claim concerning the construction of a secure warehouse facility in the UK. The central issue in dispute concerns the negligent design of surface water drainage system as well as negligent project management.
- Led by Camille Slow, representing Mansion place at trial in the TCC in Mansion Place Ltd v Fox Industrial Services Ltd [2021] EWHC 2972 (TCC), a case concerning the disputed existence of a “*gentlemen’s agreement*” to forego any entitlement to LADs.
- As sole counsel, successfully representing the Claimant in a three-day trial in the High Court (TCC). The dispute concerned a joint venture agreement to develop land into residential units. It was successfully established at trial that the defendant was in breach of contract by selling the subject properties to a linked company for less than market value.
- Advising in respect of a defective mooring system for a shipyard in Panama, following the failure of that system during coal unloading operations.
- As sole counsel, advising and representing a demolition sub-contractor in a CIMAR arbitration concerning asbestos removal in a demolition and ground remediation sub-contract.
- Advising a main contractor in respect of a prospective claim against an architect following the collapse of a retaining wall.
- Advising on the correct interpretation and effect of a retrospectivity clause in multi-million-pound dispute concerning the construction of a domestic shopping centre.
- Advising and settling a defence and counterclaim in a dispute concerning the defective alteration, refurbishment and fit-out of a private property.
- Acting as junior counsel at trial in a TCC case concerning the correct interpretation of an insurance contract following the discovery of numerous substantial defects in a new build property. Further, assisting in the negotiations leading to the settlement of the case.

## Procedural Matters

- In Ravestain B.V. v Trant Engineering Ltd [2023] EWHC 11 (TCC), successfully defending an appeal under Section 69 of the Arbitration Act 1996 concerning the jurisdiction of an arbitrator to determine a dispute in the absence of a valid notice of dissatisfaction under the NEC3 Engineering and Construction Subcontract.

- Successfully applying for redactions of witness statements under Practice Direction 57AC in Mansion Place Ltd v Fox Industrial Services Ltd [2021] EWHC 2747 (TCC).
- Advising and representing the Sri Lankan Government in respect of a jurisdictional challenge in an international arbitration concerning a major 850-acre development near Colombo. Led by Stephen Dennison KC.
- Successfully representing a UK-based hotel business (employer) in its application to set aside default judgment entered against it in the TCC, allowing the matter to proceed to trial in a dispute concerning defective piling works.

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## ENERGY AND UTILITIES

Dalton has developed experience in a number of energy and utilities matters. Notable examples include:

- Junior Counsel, led by Serena Cheng KC, acting for the Claimant in its £18.8 million ICC claim concerning 299MW Renewable Energy Biomass Power Plant. The project is the largest dedicated biomass-burning power plant in the world.
- Advising an EPC subcontractor in respect of an O&M Agreement concerning a solar energy plant in the Middle East. The issues primarily concerned the correct interpretation of a related financial instrument; the merits of a proposed injunction against a call on the instrument; the international enforceability of any such injunction; and the merits and advisability of termination of the Agreement.
- Assisting in an ICC arbitration, by drafting opening submissions, cross-examination, and costs submissions, in a claim relating to the construction of a geothermal power plant.
- Settling particulars for a defective works claim concerning the installation of fibre-optic cables in the UK.
- Advising a utilities sub-contractor concerning a prospective claim against the parent company of an insolvent main contractor.
- Advising and representing a utilities sub-contractor in a claim in tort against a third-party contractor who caused damage to its pipe works during construction.
- Advising in a dispute concerning an energy from waste facility in the UK.

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## TECHNOLOGY

- Acting as junior counsel in a Commercial Court matter concerning the provision of software for use in commodities trading, specifically in the oil industry.
- Settling particulars for a claim, and representing the claimant at a CCMC, in a claim concerning the development of two websites, one concerning job seekers and the other social media analytics.

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## ADJUDICATION

Dalton has experience in statutory and contractual adjudication, including enforcement. Examples include:

- Advising and representing a Claimant seeking declarations in the TCC under the Shorter Trials Scheme (Practice Direction 57AB) with the aim of reversing the decision of an adjudicator awarding liquidated damages in a dispute concerning a student accommodation development.
- Successfully representing a contractor in the High Court (TCC), enforcing an adjudication decision against a sub-contractor who resisted enforcement on the grounds of a breach of natural justice.
- Acting for a high net worth individual, defending a statutory adjudication brought by a development contractor in respect of unpaid third-party invoices on a £40m project for the renovation of an historic estate in the UK.
- Acting for an employer in an adjudication brought by a structural engineering subcontractor, concerning the cause and liability for delay in a large-scale rail project in the UK following a project manager's instruction and other concurrent delays.
- Acting for a building contractor and negotiating a satisfactory settlement concerning an adjudication brought against the employer in respect of unpaid invoices and damages for loss of profits following the contractor's termination of the agreement.
- Successfully representing an adjudicator in the recovery of his fees from a party who had withheld payment based on persistent jurisdictional objections.

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## NOTABLE REPORTED CASES

***Ravestein B.V. v Trant Engineering Ltd*** [2023] EWHC 11 (TCC).

***Mansion Place Ltd v Fox Industrial Services Ltd*** [2021] EWHC 2747 (TCC).

***Mansion Place Ltd v Fox Industrial Services Ltd*** [2021] EWHC 2972 (TCC).

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## QUALIFICATIONS AND AWARDS

2014-2015 BPTC (Very Competent), BPP University.

2014 Lord Denning Scholarship, Lincoln's Inn.

2014 Hardwicke Scholarship, Lincoln's Inn.

2014 BPTC Advocacy Award, BPP University.

2013-2014 BCL, Mansfield College, University of Oxford (Conflict of Laws, Unjust Enrichment, Commercial Remedies and Principles of Civil Procedure).

2013 R G Lawson Prize for Competition Law (top in year), University of Manchester.

2010-2013 LLB, University of Manchester (First Class).

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## ADDITIONAL INFORMATION

Dalton is a member of TECBAR, COMBAR and the Society of Construction Law.

During 2015-2016 Dalton was Judicial Assistant to Lady Justice Arden, Court of Appeal.

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## RECENT RECOMMENDATIONS

*“Dalton’s technical ability is extremely good and his commitment to finding creative ways to deal with difficult issues is also a key strength. He is a safe pair of hands that can be trusted with complex claims.”*

Construction, The Legal 500 (2023)