

David Horwich

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David specialises in Chambers' core practice areas of construction, engineering and infrastructure, energy, and professional negligence.

He joined Atkin Chambers as a tenant in September 2025, following successful completion of his pupillage. Since then, David has been instructed as junior counsel in a number of substantial disputes, including an LCIA international arbitration concerning a five-star hotel and casino, with sums in excess of €50m (£44m) in dispute; a Hong Kong domestic arbitration pursuant to a contract governed by Hong Kong law, concerning a five-star hotel, with sums in excess of HK\$40m (£4m) in dispute; and a true value adjudication arising out of a civil engineering project valued at approximately £2m. David's work as sole counsel includes recently acting for a housing association in a county court claim concerning payment for scaffolding design work. David is familiar with a variety of standard form contracts including the JCT and NEC forms. He also has experience of insurance and property litigation.

David studied at Magdalen College, Oxford where he obtained a first-class BA and an MSt with distinction in Modern Languages, having specialised in 16th and 17th-century French literature; before obtaining a commendation in the GDL and a distinction in the Bar Course at City, University of London. He was awarded scholarships by Magdalen College, the Inner Temple and City Law School. Alongside his legal studies, David also worked pro bono for two charities offering free advice and representation in housing, employment and education law. Prior to commencing pupillage, David spent a year working as a County Court Advocate with a London law firm, appearing in county courts across the South East of England.

Expertise

Construction, Engineering & Infrastructure

David's recent work as counsel includes:

- **Five-star hotel, Hong Kong:** Arbitration under the HKIAC Domestic Arbitration Rules. Claim by the design and build contractor for

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extensions of time and associated monetary relief under a contract governed by Hong Kong law, with a counterclaim in respect of defective works, and sums in excess of HK\$40m (£4m) in dispute. Drafted a Reply and Defence to Counterclaim on behalf of the claimant contractor. (Led by Mathias Cheung and Ella Rutter).

- **Five-star hotel and casino resort, Mediterranean:** International arbitration under the LCIA Arbitration Rules. Claim by the design and build contractor JV for extensions of time and associated monetary relief, as well as for the additional cost of variations, with a counterclaim in respect of defective works, and sums in excess of €50m (£44m) in dispute. Instructed by the defendant employer. (Led by Stuart Catchpole KC and Ryan Turner).
- **Gigafactory, Somerset:** True value adjudication brought by a utilities contractor against a civil engineering subcontractor to establish the true value of an application for payment, following an alleged overpayment of approximately £2m. The claim related to the construction of two electrical substations as part of wider gigafactory project. Issues included the formation of a contract by way of a letter of intent, the operation of an alleged price cap and whether a contract was on a 'measure and value' basis. Instructed by the respondent subcontractor. (Led by Riaz Hussain KC).
- **Social housing development, South London:** Claim in the county court for alleged unpaid invoices in respect of scaffolding design work carried out during the course of a tender submission. Issues included whether such work gave rise to a contract, and whether an alternative remedy in unjust enrichment might be available. Drafted a Defence on behalf of, and advised, the defendant housing association.

In addition, during pupillage, David was involved in a wide range of construction, engineering and infrastructure disputes for which he has drafted opinions, pleadings, research notes, and skeleton arguments. He is familiar with a variety of standard form contracts, including the JCT and NEC forms, as well as having experience with bespoke agreements. This work included:

Defects

- **Office buildings, South-East London:** Drafted advice for a design and build contractor on limitation in respect of prospective claims downstream.
- **Residential development, South London:** Claim arising out of design and installation defects in a zinc standing seam roof. Drafted advice for the employer on the merits of claims under the Defective Premises Act 1972 and Civil Liability (Contribution) Act 1978; the prospects of obtaining building liability orders under the Building Safety Act 2022; and structuring the cost of remedial works so as to avoid 'no loss' arguments.
- **Apartments constructed in a converted church, North London:** Claim arising out of defective foundations. Drafted advice for a design and build contractor on the merits of its defence, the limitation position, and the prospects of contribution claims downstream.

Joint Venture

- **HS2:** Claim valued at £18.5m for breach of the 'good faith' obligations in a joint venture agreement, leading to the loss of a chance to obtain an NEC subcontract for the design and construction of concrete tunnels for HS2. Assisted with interim applications and trial preparation, including drafting research notes and written opening and closing submissions for a 7-day trial in the TCC.

Fire Safety and Building Safety Act 2022

- **Apartment buildings, East London:** Multi-party claim valued at £23m arising out of fire safety defects in cladding panels and external wall insulation. Drafted advice for fire engineers on the impact of the Grenfell Tower Inquiry: Phase 2 Report; and assisted with preparation for mediation.
- **Apartment building, Buckinghamshire:** Drafted advice for a design and build contractor on prospective claims under the Defective Premises Act 1972 and the Building Safety Act 2022, including the availability of remediation contribution and building liability orders.
- **Apartment building, Surrey:** Adjudication proceedings arising out of fire safety defects. Advised on the drafting of a settlement agreement against the context of the entitlement to stage payments in s. 109 of the Housing Grants, Construction and Regeneration Act 1996.
- **High-rise hotel and apartment building, Canary Wharf:** Claim valued at £10m arising out of fire safety defects in the internal walls and risers, raising issues surrounding waiver of rights on the transfer of the property. Drafted Scott Schedule responses in conjunction with an architectural expert.
- **High-rise apartment building, Central London:** Claim valued at £5.5m arising out of fire safety defects in the external walls, including issues with combustible materials and defective cavity barriers. Drafted Particulars of Claim on behalf of the developer.

Domestic Property

- **Penthouse apartments, Knightsbridge:** Reconfiguration works for the home of an ultra-high-net-worth individual. Drafted advice for the employer on the construction of a JCT SBCQ 2016 contract and associated bespoke 'guaranteed maximum price' clause.
- **Grade II listed building, Belgravia:** Claim valued at £8m for project management fees arising out of major renovation and construction works to form one of the most valuable private residences in London. Drafted advice and research notes on unjust enrichment and *quantum meruit*, the formation of oral contracts and novation by conduct; drafted skeleton argument for an application to serve the claim form out of the jurisdiction (Qatar and BVI); drafted grounds of appeal for an application for permission from the Court of Appeal.
- **Private home, Hertfordshire:** Claim for demolition and rebuilding valued at £2m arising out of designs for steelwork to support a newly constructed storey at the property. Drafted advice on damages issues, including 'no loss' points arising out of the repossession of the property by a mortgage lender; and on the prospects of obtaining security for costs.

Professional Negligence

During pupillage, David was involved in professional negligence claims in a variety of disciplines relating to construction, engineering and infrastructure. This work has included drafting advice and pleadings for both claimants and defendants; as well as assisting with the mediation process. This work included:

Structural Engineer

- **Private home, Hertfordshire:** Claim for demolition and rebuilding valued at £2m arising out of designs for steelwork to support a newly constructed storey at the property. Drafted advice on damages issues, including 'no loss' points arising out of the repossession of the property by a mortgage lender; and drafted advice on the prospects of obtaining security for costs.
- **Apartments constructed in a converted church, North London:** Claim arising out of defective foundations. Drafted advice for a design and build contractor on the merits of prospective claims against a structural engineer.

Fire Engineer

- **Apartment buildings, East London:** Multi-party claim valued at £23m arising out of fire safety defects in cladding panels and external wall insulation. Drafted advice for fire engineers on the impact of the Grenfell Tower Inquiry: Phase 2 Report; and assisted with preparation for mediation.

Building Control – Approved Inspector

- **Private home, North London:** Claim arising out of damage caused by the escape of foul water into a property valued at c. £22.5m. Drafted a Defence on behalf of the approved inspector.

Acoustic Design

- **Student accommodation block, Manchester:** Claim against the acoustic designer and design and build contractor arising out of a failure to achieve planning conditions relating to insulation sound emanating from a night club on the ground floor. Drafted advice for the employer on claims under the Third Parties (Rights against Insurers) Act 2010, issues relating to damages (including mitigation and collateral benefits, transferred loss and 'no loss' arguments) and strategy at a mediation.

Adjudication & Arbitration

David's recent work as counsel includes:

- A true value adjudication in respect of approximately £2m (led by Riaz Hussain KC);
- An international arbitration under the LCIA Arbitration Rules (led by Stuart Catchpole KC and Ryan Turner); and
- A Hong Kong domestic arbitration under the HKCIA Rules (led by Mathias Cheung and Ella Rutter).

In addition, during pupillage, David assisted with all stages of adjudication proceedings, from the initial submissions through to enforcement in the TCC. He has also gained experience in advising on arbitration agreements and stays under s. 9 of the Arbitration Act 1996. This work included:

Adjudication and Enforcement

- **Apartment building, Hampshire:** Claim in respect of structural and fire safety defects. Drafted Particulars of Claim for adjudication enforcement in the TCC; and drafted research notes to assist with the skeleton for a subsequent appeal to the Court of Appeal concerning the right to refer a claim under the Defective Premises Act 1972 to adjudication.
- **Commercial property, Central London:** Smash-and-grab adjudication enforcement in the TCC. Assisted with drafting the skeleton for the enforcement claim. Assisted with drafting submissions for associated Part 8 proceedings on: suitability under the *Hutton* principles; and the substantive claim challenging the validity of an application for payment.
- **Highway project, County Antrim, Northern Ireland:** Smash-and-grab adjudication under an NEC3 form. Drafted a Response.
- **Apartment building, Surrey:** Adjudication proceedings arising out of fire safety defects. Advised on the drafting of a settlement agreement against the context of the entitlement to stage payments in s. 109 of the Housing Grants, Construction and Regeneration Act 1996.

Arbitration

- **SEN School, Manchester:** Claim arising out of design and workmanship defects leading to water ingress, including in relation to a hydrotherapy pool. Drafted advice for the contractor on the enforceability and effect of a multi-tier dispute resolution clause; conflicting jurisdiction clauses; and the prospects of obtaining a stay under s. 9 of the Arbitration Act 1996.

Insurance

During pupillage, David gained experience in a range of insurance issues which commonly arise in a construction and engineering context, including:

- Drafting advice for a design and build contractor on coverage under professional indemnity & excess of loss policies and the effect of the 'retroactive date' for claims relating to defective foundations.
- Drafting advice for an insurer on limitation and the transfer of claims where a 10-year new-build property policy vests in a subsequent owner.
- Drafting advice on the availability and operation of the co-insurance defence in the context of the insurance options in a JCT IBC (2011) called off under a local authority framework agreement.
- Drafting advice on the prospects of claims under the Third Parties (Rights against Insurers) Act 2010 in claims against designers and other consultants.

Property

During pupillage, David was involved in the following property matters:

- **Island development, Freeport, the Bahamas:** Claim for the return of service charges, specific performance and/or damages in respect of a failure to maintain and dredge canals giving access to island properties. Drafted advice on the merits of an appeal and assisted with the drafting of a skeleton for the Court of Appeal of the Commonwealth of the Bahamas; and drafted advice on implied contracts, assignment and novation and chains of indemnity in the context of transfers of real property.
- **Government accommodation:** Claim for unpaid sums and mesne profits arising out of a dispute relating to the terms of licences agreed between a commercial landlord and a Government contractor. Drafted a research note on the law and practice relating to the quantum of mesne profits; and drafted a skeleton for an application to establish a 'confidentiality club' around sensitive disclosable documents.

Prior to commencing pupillage and while working as a County Court Advocate, David appeared in the county courts in various property-

related disputes, including:

- Landlord & tenant and mortgage possession claims, including applications to stay enforcement.
- Possession claims against trespassers (persons unknown).
- Charging order and order for sale applications.
- Claims for housing disrepair.
- Claims for unpaid service charges.
- Claims for defective utilities.

Qualifications & Awards

Academic Qualifications

BVS – City, University of London – Distinction (2022 – 2023)

GDL – City, University of London – Commendation (2021 – 2022)

MSt (Early Modern French Literature) – Magdalen College, Oxford – Distinction (2020 – 2021)

(Dissertation title: *'Exchanging Wonders: Knowledge, Gifts and Trade in Early Modern French Texts About Japan.'*)

BA (French and German) – Magdalen College, Oxford – First-Class (2016 – 2020)

Scholarships

Bar Course Exhibition Scholarship, Inner Temple (2022 – 2023)

Bar Vocational Studies Scholarship, City Law School (2022 – 2023)

GDL Exhibition Scholarship, Inner Temple (2021 – 2022)

William Doncaster Scholarship, Magdalen College, Oxford (2018 – 2020)

Exhibition Scholarship, Magdalen College, Oxford (2016 – 2017)