



## Profiles

**Name:** Jonathan Selby  
**Call:** 1999  
**Languages:** French and German (working knowledge)  
**Email:** [jselby@keatingchambers.com](mailto:jselby@keatingchambers.com)

Jonathan Selby was called to the Bar in 1999 specialising in Construction and Engineering, Energy and Professional Negligence claims (architects, engineers, surveyors and valuers). Jonathan has amassed extensive knowledge of all forms of contracts including the JCT and NEC standard forms.

Jonathan is highly regarded and has previously been described as having '...an incredibly old head for such young shoulders' which is highlighted in his reported case of *Harr v Rusby [2006] EG 177*, where he represented his client in the Court of Appeal to claim a favourable Judgment.

Jonathan regularly acts in high value litigation, in particular in the Technology and Construction Court, and has also represented clients in the Privy Council. Jonathan is often instructed to act for clients through the adjudication process and to represent clients at mediation

Jonathan is an accredited Adjudicator and accepts both party and nominating body appointments.

### Recommendations

#### Construction

"A very good junior counsel who has achieved a string of notable results,"..."a bright, user-friendly junior who punches above his weight in terms of his advocacy skills."

*Chambers and Partners 2012*

#### Professional Negligence

"commercial, pragmatic and good with clients." "persuasive advocacy"

*Chambers and Partners 2012*

#### Construction

"an excellent way with clients"

*Legal 500, 2011*

#### Construction

"quickly gets to grips with the details"..."Industrious and a pleasure to work with"

*Chambers and Partners 2011*

#### Professional Negligence

"Thoroughness and good judgement"..."his star is very much in the ascendant."*Chambers and Chambers and Partners 2011*

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## Recent Work

### Construction

- Jonathan regularly advises and acts for employers, contractors and sub-contractors in connection with the various JCT standard form contracts in relation to all sizes and type of project.
- Instructed (as Junior Counsel to Marcus Taverner QC) on behalf of a large contractor in relation to adjudication and TCC proceedings concerning the design, construction and performance testing of a MBT waste treatment facility in Cambridgeshire.
- Instructed (as Junior Counsel to Adrian Williamson QC) on behalf of a specialist piping contractor in TCC proceedings relating to the construction of a bio-ethanol plant in Hull. The claims concern delay and the repudiation of the contract.
- Instructed (as Junior Counsel to Alexander Nissen QC) on behalf of an international company seeking damages for the cost of replacing the air conditioning system in its European headquarters building. The Proceedings ultimately involved six Defendants and were settled shortly before trial.
- Instructed by a fit-out contractor in relation to a £3 million final account dispute with its asbestos sub-contractor regarding the refurbishment of a department store on Oxford Street, London.
- Advised on jurisdictional issues such as whether the Housing Grants Act applies to a particular contract. Also acted on several occasions in adjudication enforcement proceedings and in applications to stay the execution of judgment relating to adjudicator's decisions.

### Professional Negligence

- Instructed (as Junior Counsel to Marcus Taverner QC) on behalf of a property developer in connection with claims against its quantity surveyors and structural engineers arising out of the Regent Quarter Development in Kings Cross, London.
- Acted in a five-week trial (as Junior Counsel to Adrian Williamson QC) where the architect, engineers and project manager were alleged to have been negligent in their design and supervision of a £4 million residential property in Jersey to such an extent that the property was demolished and had to be rebuilt.
- Acted in architects' negligence claims relating among other things to the roof design of hospital accommodation, the refurbishment of a restaurant, the fit-out of a large Central London office building and high-end residential property.
- Instructed in TCC proceedings against structural engineers (and a design and build contractor) concerning cracking to the warehouse floor of a flour mill.
- Instructed in Court proceedings against conveyancing solicitors in relation to their failure to advise the purchasers of apartments in a large apartment building in Leeds about the lack of Zurich guarantee cover concerning the common parts.
- Acted for and against mechanical and electrical engineers in connection with the design and inspection of air conditioning systems in office buildings.

### Energy

- Acted (as Junior Counsel to Marcus Taverner QC) in a multi-million pound arbitration claim by a pipework sub-contractor in connection with the construction of a Liquefied Natural Gas Terminal in Wales.

- Acted for a piping and mechanical erection sub-contractor in connection with disputes regarding its work on a CCGT power station in Wales. Those disputes gave rise to adjudication claims concerning its final account and injunction proceedings in the TCC seeking delivery up of testing documentation.
- Represented a large international contractor in an ICC arbitration relating to a multi-million dollar dispute concerning an oil pipeline in North Africa.
- Instructed as Junior Counsel to Petromec in its litigation with the Brazilian State oil company in the Commercial Court regarding the cost of constructing an oil rig in the South Pacific.

## Insurance

- Jonathan has experience in relation to claims under insurance policies including professional indemnity policies, NHBC policies, the Zurich Building Guarantee and home insurance policies.
- Acted for a large insurance company (as Junior Counsel to Rosemary Jackson) in connection with a £750,000 claim by home-owners for the cost of reinstating an old barn which had burnt down in a fire. The trial resulted in success for his client who recovered their costs on an indemnity basis.
- Acted for the NHBC in claims against builders who have failed to comply with the NHBC Rules.

## Rail

- Acted for a designer and supplier of level crossing panels in connection with claims in the Commercial Court (including injunction proceedings) against the product manufacturer for breach of an exclusive distribution agreement.
- Advised a contractor responsible for the maintenance of the London Underground lines in relation to the termination of one of its sub-contracts.
- Acted (as Junior Counsel to Richard Fernyhough QC) for a telecommunications provider in an adjudication regarding the scope of its testing obligations in respect of communications systems on the London Underground.

## Party Walls

- Advised and acted for parties in connection with issues arising under the Party Wall Act 1996 and appeals in respect of party wall awards.
- Represented a residential property owner in a 3-day appeal of an award relating to the party wall between neighbouring cottages.

## Appellate work

- Appeared (without leader) in the Privy Council on an appeal relating to a construction project in St Lucia.
- Acted in the Court of Appeal in connection with a claim for trespass to land (which raised issues of public law and statutory interpretation regarding the Highways Act). Drafted objections to the granting of permission to appeal to the House of Lords in the same case, following which the House of Lords refused permission to appeal.
- Acted (as Junior Counsel to Marcus Taverner QC) in the Court of Appeal in connection with a claim for the enforcement of an adjudicator's decision. The issues included whether the Adjudicator had considered the question of fraud and the legal basis upon which enforcement of adjudicators' decisions should be refused on grounds of fraud.

## Other

- Represented and advised homeowners in respect of applications under the Access to Neighbouring Land Act 1992.
  - Represented a Defendant to an environmental prosecution (breach of the Waste Management Legislation) in the Magistrates Court.
  - Jonathan has also handled cases on general Sale of Goods disputes (including disputes relating to furniture, building materials and a yacht), copyright in architect's design, statutory demands, winding-up and bankruptcy petitions.
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## Selected Reported Cases

- **Partner Projects Ltd v Corinthian Nominees Ltd** [2012] 1 BLR 97
- **Mouchel Ltd v Van Oord (UK) Ltd** [2011] EWHC 72 (TCC); 135 Con LR 183
- **Mouchel Ltd v Van Oord (UK) Ltd (No 2) - [2011]** [2011] BLR 492, 137 Con LR 105
- **Speymill Contracts Ltd v Baskind** [2010] BLR 257, 129 Con LR 66, [2010] EWCA Civ 120, [2010] CILL 2828
- **Euro Construction Scaffolding Ltd v SLLB Construction Ltd** [2009] CILL 2679 TCC, [2008] EWHC 3160 (TCC)
- **John F Hunt Demolition Ltd** [2008] 1 All ER 180; [2008] 1 BLR 115; [2007] TCLR 6; 114 Con LR 5
- **Maurice v Leriche** [2008] All ER (D) 264 Privy Council
- **Sydenhams (Timber Engineering) Ltd v CHG Holdings Ltd** [2007] 112 Con LR 49 TCC
- **McGlinn v Waltham Contractors & Others (No. 3)** [2007] 111 Con LR 1, [2007] CILL 2441, [2007] EWHC 149 (TCC) and [2008] Bus LR 233
- **McGlinn v Waltham Contractors (No 4)** [2007] BLR 188, 112 Con LR 148, [2007] EWHC 698 (TCC), and [2008] Bus LR 278
- **Tonkin v UK Insurance** [2007] Lloyd's Rep IR 283; 107 Con LR 107
- **McGlinn v Waltham Contractors & Others (No. 2)** [2006] BLR 489
- **Harr v Rusby** [2006] EG 177
- **Tonkin v UK Insurance (No. 2)** [2006] EWHC 1185 (TCC) and [2006] Con LR 107
- **Rolls Royce Power Engineering Plc v Ricardo Consulting Engineers Ltd** [2005] 98 Con LR 169 TCC
- **Harry Neal v Stargem** [2003] All ER (D) 287

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## Publications

- **Is expert witness immunity about to be abolished? A case note on Paul Wynne Jones v Sue Kaney [2010] EWHC 61 (QB)** Jonathan Selby 26 January 2010
- Researcher, Keating on Construction Contracts - Ninth Edition (2012).
- Contributor to Engineers' Dispute Resolution Handbook.
- Awarded a commendation in the Society of Construction Law Hudson prize essay competition (2002-2003).
- Winner of the Bar Law Reform Essay Competition (Category A, 2002) with an essay on expert witness immunity published in Counsel. The Judges of the competition were Carnwath LJ, Beatson J, Lord Brennan QC and Brian Langstaff QC.

Jonathan regularly lectures and gives seminars to audiences ranging from firms of solicitors to the University College, London, Alternative Law Society.

He has also written articles for the Times Law Section, the ICE Construction Law Review and the Journal of the Expert Witness Institute

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## Education and Professional Career

MA in Law, St. Catharine's College, Cambridge 1st Class (placed third in the year)	1998
CJ Hamson Prize for Aspects of Obligations, University of Cambridge	1998
Called to the Bar (Gray's Inn)	1999
Marshalled Colman J in the Commercial Court	1999
Research Assistant, Law Commission (Company and Commercial Law)	1999-2000

Team)  
Pupillage, Keating Chambers  
Keating Chambers  
TECBAR Accredited Adjudicator  
Public Access Training

2000-2001  
2001  
2007  
2008

## Membership

Technology and Construction Bar Association (TECBAR)  
Society of Construction Law  
Commercial Bar Association (COMBAR)  
London Common Law and Commercial Bar Association.

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## Other Information

Jonathan plays football and tennis regularly and enjoys food.

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## Contact Us

If you would like to discuss ways in which Keating Chambers can assist you or your organisation, please contact Senior Clerk, [Nick Child](#), in the first instance, on +44(0)20 7544 2600. The teams of Clerks will be pleased to advise you on the member of Keating Chambers appropriate to your requirements.

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