

# Katy Handley

Call 2021



Katy Handley has a broad commercial law practice, focusing on technical disputes, and experience in both litigation and international arbitration. She has a strong practice both domestically and across other jurisdictions, particularly the Middle East.

Katy has been instructed as sole counsel in a variety of construction, technology, and professional negligence claims in both the County Court and the TCC and has experience as first junior counsel in arbitrations under LMAA, ICC, LCIA and DIAC rules. Clients have described her as “*well prepared, clear and methodical*” and “*able to cope well with the unexpected*”.

Katy’s experience includes:

- Construction, Engineering and Energy
- Commercial Litigation
- International Arbitration
- Technology & Telecoms disputes
- Professional Negligence
- Financial Services, Banking and Insurance
- Shipping

## Construction

Katy is regularly instructed as sole counsel to draft pleadings and appear in construction matters in the TCC. She has experience in cladding disputes and in-depth knowledge of the implications of the Building Safety Act 2022. In the 4 Pump Court [Construction Newsletter](#), Katy has provided an update on key changes brought in by this act. She has also co-written a chapter on recent developments in building safety legislation for the latest edition of the Architects Legal Handbook and has provided various talks on the developments brought in this act and associated regulations to developers, contractors and housing associations.

## Featured Construction cases

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Currently acting for the lead contractor in a multi-million-pound final account dispute arising out of the construction of a bakery (led by [Jennie Gillies](#))

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Currently acting in various claims involving cladding, and other, defects in high rise properties for the Claimant across three different properties at circa £16 million (led by [Claire Packman KC](#) (in two claims) Alexander Nissen KC (Keating Chambers) (in one claim))

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Acting for the Claimant, including pleading the claim, in a circa. £17 million cladding dispute (led by [Camille Slow KC](#) (Atkin Chambers) and [Matthew Thorne](#) )

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Instructed in numerous cases in respect of various remediation orders and remediation contribution order proceedings in the FTT in relation to cladding defects pursuant to new DPA 1972 provisions introduced by the BSA 2023 (as sole counsel and/or led by [Alex Hickey KC](#) and/or [Jennie Gillies](#))

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Acted for the claimant in an arbitration concerning an alleged breach of a memorandum understanding (which required the defendant, the Main Contractor, to appoint the claimant as subcontractor) (led by [Sanjay Patel KC](#))

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Acted as sole counsel in an application to strike out in a claim for breach of profit-sharing agreement by a property developer against the owner of the property (also drafted the Reply in this action)

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Advised on whether limitation had expired in a claim assigned by a piling works contractor following liquidation against customers under a JCT contract

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Drafted a Defence and advise on expert evidence in a claim for alleged negligent construction of residential properties pleaded at £500k

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Acted as sole counsel for the award enforcer in an adjudication enforcement hearing concerning costs and interest in the Technology & Construction Court

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Drafted a Defence to a claim brought against an architect for defective design of a residential property, considering in particular issues of limitation and causation

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Advised on liability, causation, limitation and quantum in the context of a claim against installers of a potential claim arising out of the negligent installation of a defective tap

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Drafted the Defence and Part 8 RFI in the context of a claim brought for breach of contract and under section 1 of the Defective Premises Act 1972 against contractors, for allegedly defective brickwork, and also asked to advise on limitation issues and the reasonable range of settlement

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## Commercial Litigation

Katy has experience in complex commercial disputes, in both litigation and arbitration, often with an international flavour. She regularly assists with service-out and substituted service applications, advises on the application of the Hague Service Convention post-Brexit, and advises on issues of governing law and jurisdiction in international contracts. She has provided talks, with [Stephen Cogley KC](#) and [Laurence Page](#), on the main issues surrounding service in and service out in the context of actions in fraud. She has also provided a talk on the interaction and benefits of civil versus

criminal fraud proceedings with Edward Garnier KC and Stephen Cogley KC.

## Featured Commercial Litigation cases

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Acted unled for the respondents at a return date hearing in an application for a freezing order in the High Court

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Advised on matters of jurisdiction, governing law, and potential allegations of fraud in the context of an international services contract with a “schizophrenic” jurisdiction clause (led by [Simon Davenport KC](#))

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Regularly instructed to appear in CMCs and CCMCs in complex and higher value commercial disputes

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Advised a leading aviation insurance provider on commencing arbitration in the UK against an airline based in Estonia

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Regularly instructed to advise on and assist in drafting applications seeking permission to serve out of the jurisdiction, substituted service and extension for the period of service of a claim form (particularly in cases with multiple defendants)

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Drafted documents for an application seeking an order for extension of time for service, and substituted service

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Acted for the Respondent in an application to vary a judgment debt order, disputing the application on the grounds of lack of cogent evidence supporting the applicant’s proposed payment plan

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Drafted the Reply and Defence to Counterclaim, and subsequently to appear at the CCMC and final hearing, in respect of a claim for rebates agreed in the context of a contract for the provision of heat installation units

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Advised on and drafted particulars of claim in a claim brought against a manufacturer and supplier under a hire contract of a defective lorry engine which caused the vehicle to explode whilst in use

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Currently instructed on a highly confidential government matter concerning a multi-million-pound procurement contract

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## International Arbitration

Katy has been instructed as junior counsel in a number of large-scale arbitrations and is developing a strong practice in this area.

## Featured International Arbitration cases

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Currently acting for the insurer of a Scandinavian film production company to defend a claim under a cast insurance policy in a London seated ad hoc arbitration and subsequent application under section 57 of the Arbitration Act (led by [James Purchas](#))

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Currently acting for a Main Contractor in a final account claim brought by an excavation Subcontractor in a Qatar seated arbitration under ICC rules (led by [Sanjay Patel KC](#))

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Currently acting for an oil trader in an arbitration claim brought by a purchase against a seller in a Dubai seated arbitration under DIAC Rules (led by [Nigel Tozzi KC](#))

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Acted for the claimant in an arbitration concerning an alleged breach of a memorandum understanding (which required the defendant, the Main Contractor, to appoint the claimant as subcontractor) in a London seated arbitration under ICC rules (led by [Sanjay Patel KC](#))

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Acted for the Claimant/Owners in the quantum part of an arbitration concerning damages arising out of a fire on a Vessel (led by [Alexander Wright KC](#))

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Acted for an employer in a Dubai seated DIAC arbitration relating to a large-scale construction dispute in the UAE, raising issues of both delay and defects (led by [Sanjay Patel KC](#))

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Acting for Chinese head owners in a LMAA arbitration seated in London seeking an anti-suit injunction to restrain proceedings brought by Singaporean voyage charterers in Kenya claim for damages arising out of the wrongful arrest of a Vessel (led by [Alexander Wright KC](#))

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Advising on and drafted documents for the appointment of an arbitrator through Part 8 proceedings

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Advised on and drafted documents for applications under section 32 (determination of a preliminary point of jurisdiction) and section 45 (determination of a preliminary point of law) under the Arbitration Act 1996 (led by [Alexander Wright KC](#))

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## Technology & Telecoms

Katy has experience in Chambers' leading IT work, including assisting in high-value and complex software disputes, and advising, as sole counsel, on quantum in GDPR claims. Prior to coming to the Bar, Katy worked for an online career networking platform as an IT support specialist and also assisted the in-house legal team with GDPR compliance and privacy policy updates. She is regularly instructed to defend GDPR and consumer claims brought against large international tech companies.

### Featured Technology & Telecoms cases

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Instructed by Post Office Limited to assist with the public inquiry into the implementation and failures of the Horizon IT system

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Regularly instructed by a large tech company in defending various consumer, GDPR and data breach claims, in particular concerning the "right to be forgotten" under UK GDPR

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Instructed, as junior counsel to [Matthew Lavy KC](#) and [Gideon Shirazi](#) on a large-scale international software dispute in which claims are brought for both misrepresentation and various breaches of a master services agreement

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Appeared on behalf of the Claimant in an interim hearing in the Upper Lands Tribunal considering whether expert evidence was required to resolve a valuation dispute under the Electronic Communications Code between a national mobile network operator and the owner of a site where electronic communications apparatus was installed

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Instructed to advise on limitation issues, and the reasonable range of settlement for a claim arising out of a data breach according to developing case law since *Gulati v MGN Ltd* [2015] EWCA Civ 1291 and *Lloyd v Google* [2021] UKSC 50

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# Professional Negligence

Katy has experience in a broad range of professional negligence claims, particularly claims brought against building contractors, surveyors, and engineers.

## Featured Professional Negligence cases

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Acting for the defendant in a claim brought by a housing developer against a valuer, with a claim value of circa. £8 million (led by [Jessica Stephens KC](#))

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Acting for the defendant in a strike out application brought in response to a claim against an insurance broker, with a claim value of circa. £3 million (led by [Alex Potts KC](#))

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Instructed as sole counsel to draft an amended defence and attend application hearings, seeking to rely on expert evidence and amend the defence, in proceedings brought against a surveyor based on alleged undetected defects in a residential property

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Regularly instructed to draft a defence and/or at trial to defend allegedly negligent housing surveyors (particularly those covered by RICS standards) against a claim by a purchaser of a property for losses arising out of the alleged failure to identify defects in a property prior to purchase

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Acted for a Claimant, both drafting pleadings and attending trial, in a claim for negligence by a contractor in the context of domestic renovation works

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Defended a claim brought against a drain surveyor for alleged failure to detect a faulty septic tank

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Instructed as sole counsel at trial to defend a company against a claim by a customer for losses arising out of alleged defects with the fencing

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# Financial Services, Banking and Insurance

Katy is regularly instructed to advise and act by banks, particularly in the context of AML regulations and consumer credit agreements. She also has experience acting for insured parties and assisting leading insurers and insurance brokers within the UK market.

## Featured Financial Services, Banking and Insurance cases

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Acted for a major high street bank in an application to strike out a claim seeking damages for breach of the Equality Act 2010

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Acted for the defendant in a claim against major bank for losses incurred by the bank withholding the claimant's money, where the bank's defence was reasonable suspicion of money laundering and fraud on the part of the claimant

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Advised on whether a loan agreement to fund construction work on a residential property was rendered unenforceable by the Financial Services and Markets Act 2000 or the Consumer Credit Act 1974

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Advised in conference on the reasonable range of settlement and the likely award in respect of an agreement rendered unenforceable by section 26 of FSMA 2000, but enforced by discretion under section 28 of that Act

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Regularly instructed by major high street banks in applications to set aside default judgment

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Instructed, on numerous occasions, to represent petitioning creditors in winding up proceedings

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## Shipping and International Trade

Katy is regularly instructed in admiralty proceedings and to draft pleadings in complex shipping disputes, often with an international element.

### Featured Shipping and International Trade cases

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Advised on the prospects of success in a potential claim brought by a shipowner against the surveyor for negligent pre-purchase valuation of a vessel

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Advised on the construction of Clause 1 of the Shelltime 4 form (led by [Alexander Wright KC](#))

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Instructed as sole counsel to defend a marina against claims brought by the owners of a vessel for, *inter alia*, breach of the berthing agreement

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Drafted an application for permission for service out substituted service, and extension of time for service, in the context of a claim for general average contributions against over 70 defendants in various jurisdiction (led by [Alexander Wright KC](#))

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Instructed to attend in rem proceedings in the Admiralty court to secure the arrest of a vessel as a result of unpaid berthing fees

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Drafted the Particulars of Claim in respect of a demurrage claim brought by the owner of a vessel against a charterer for fees of circa US\$100,000, including allegations of misrepresentation

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Drafted pleadings in and attended hearings on behalf of the Defendant in the context of a dispute concerning the theft of goods pursuant to a CMR contract of carriage with losses in the sum of almost EUR500k, and involving the Third Party (Rights Against Insurers) Act 2010.

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## Awards

Buchanan Prize, Lincoln's Inn

Lord Denning, Lord Bowen and Hardwicke Scholarships, Lincoln's Inn

Career Commitment Scholarship, BPP University

Second Place in the Times Law Awards Essay Competition 2020, Title: “Taming the social media giants, how far should the state go in regulating online content?”

Honorary Mentions for Written and Oral Advocacy, Willem C Vis International Commercial Arbitration Moot 2019

## Publications

Chapter 9 “Statutory framework for building safety” in The Architect’s Legal Handbook (11<sup>th</sup> Edn.) (co-authored with [Lynne McCafferty KC](#))

## Memberships

The Commercial Bar Association

The Society for Computers & Law (SCL)

## Education

BA, English Literature, First Class, Durham University

BA, Law with Senior Status, University of Cambridge

LLM in Legal Practice, Distinction (85%), BPP University (Outstanding in BPTC modules)