

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, in particular Dubai.

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

Advised on limitation and draft particulars of claim for the lead contractor in a multi-million-pound final account dispute arising out of the construction of a bakery (led by [Simon Hale](#))

Assisted with settlement negotiations for a supplier and manufacturer of stadium seating to assist in settlement negotiations and advise on limitation in relation to a claim brought by a commercial customer for defective goods

Advised on consumer law issues in a claim brought by a construction company against a prospective residential employer

Instructed to act for the Claimant, including pleading the claim, in a circa. £17 million cladding dispute (led by [Matthew Thorne](#))

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 (led by [Alex Hickey KC](#) and/or [Jennie Gillies](#))

Drafted a response in an adjudication brought by the main contractor of a hospital construction project against the mechanical and electrical engineer in relation to alleged defects in the heating and cooling system (led by [Tom Crangle](#))

Drafted a Reply in a claim for breach of profit-sharing agreement by a property developer against the owner of the property

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

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

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

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

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

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

Instructed to draft Particulars of Claim for unpaid sums of circa £60k owed as payment for various building works undertaken by the Claimant at the Defendant's residence

Drafted pleadings in a construction project financing dispute worth circa £200k

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

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](#))

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

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

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)

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

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

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

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

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

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

Acted for a subcontractor against the main contractor in a London seated arbitration under ICC rules (led by [Sanjay Patel KC](#))

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 (led by [James Purchas](#))

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](#))

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](#))

Instructed to advise on and draft documents for the appointment of an arbitrator through Part 8 proceedings

Worked on an arbitration where the claimants as time charterers sought a preliminary award for reimbursement of overpaid hire amounting to nearly US\$300,000 from the owners under a NYPE 1946 time charter

Worked on an arbitration concerning the sale of a ship under Saleform 2012 terms for \$70,000,000.

Advising on and drafting 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](#))

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

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

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

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

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

Assisted with submissions to the Court of Appeal in *CISGL v IBM* [2022] EWCA Civ 440, by conducting research on the meaning of "wasted expenditure" in commonwealth authorities

Assisted with advising travel meta search engines on the legality of "screen scraping" flight data from commercial airline

websites, considering the potential infringement of “Database Rights” under the Copyright and Rights in Databases Regulations 1997

Assisted with drafting a Request for Further Information in an ongoing dispute involving a multi-national technology corporation against various parties alleged to have reversed engineered the claimant’s software in breach of a license agreement

Assisted with advising on whether the sale of a “know-how” pack to participants of a proposed class action against a major software provider, in return for a share of the proceeds, would be unenforceable as a “damages-based agreement” under section 47C(8) of the Competition Act 1998

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

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

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

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

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

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

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

Assisted with disclosure for a multi-million-pound claim in respect of the alleged negligent auditing of accounts

Assisted in responding to a potential claim brought against consultant construction engineers by a developer for damages resulting from an allegedly negligent failure to achieve an earthworks balance and minimise surplus soil

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

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

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

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

Assisted with compliance with wide-ranging Norwich Pharmacal and Banker's Trust Orders by the Royal Court of Jersey in the context of alleged breach of fiduciary duties

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

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

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

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

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

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

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

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](#))

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

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

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.

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

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)