

Katy Handley

Call 2021



Katy Handley is a junior tenant at 4 Pump Court with a broad commercial law practice and experience in both domestic and international disputes.

Katy has been instructed in a variety of construction, technology, and professional negligence claims in both the County Court and the TCC, and is also regularly instructed in admiralty matters. 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
- Financial Services, Banking and Insurance
- Technology & Telecoms disputes
- Professional Negligence
- Shipping

Construction, Engineering and Energy

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.

Featured Construction, Engineering and Energy cases

- Instructed as sole counsel drafting a Particulars of Claim for non-payment of invoices relating to the supply of domestic construction services
- Assisted with advising on a potential claim under Article 1, protocol 1 ECHR brought by various special purpose

vehicle companies against Ofgem for damages resulting from Ofgem's wrongful refusal to register the companies as producers under a renewable energy subsidy scheme

- Assisted with a claim for indemnity under an insurance policy for damages resulting from defective water-proofing of a property, which subsequently led to the development of fungal decay
- Assisted with advising on defending a potential claim under a NEC3 contract for defective design requiring remedial works estimated in excess of £5million
- Assisted in an arbitration, where the claimant sought an indemnity under an insurance policy which provided cover for costs arising out of a breach of professional duty in the design and construction of the claimant's commercial properties
- Instructed as sole counsel in an adjudication enforcement hearing concerning costs and interest in the Technology & Construction Court
- Assisted with identifying whether various cladding defects were covered by an insurance policy, and were effectively notified to the insurer in accordance with the policy
- Instructed as sole counsel drafting 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
- Instructed as sole counsel to draft the Defence and Contribution Notice, in the context of a "landslip" claim whereby the Defendant was alleged to have removed support from the Claimant's adjoining land through excavation works
- Instructed as sole counsel to draft 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

Commercial Litigation

Katy has experience in complex commercial disputes, in both litigation and arbitration, often with an international flavour. She has assisted with numerous service out and substituted service applications and advised on the application of the service convention post-Brexit.

Featured Commercial Litigation cases

- Worked on a case where the defendants sought an anti-suit injunction to restrain the claimant, a multinational technology provider, from pursuing trade secrets claims against them in the US and globally
 - Advised a leading aviation insurance provider on commencing arbitration in the UK against an airline based in Estonia
 - Instructed as sole counsel in numerous cases to draft various documents in an application seeking permission to serve out of the jurisdiction, substituted service and extension for the period of service of a claim form
 - Instructed as sole counsel to draft necessary documents for an application seeking an order for extension of timer for service, and substituted service
 - Instructed as sole counsel 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
 - Instructed as sole counsel to draft 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
 - Instructed on a highly confidential government matter concerning a multi-million-pound procurement contract
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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

- Regularly instructed on behalf of a major high street banks to defend it from claims taken pursuant to the Consumer Credit Act 1974 (mis-selling PPI)
 - Instructed as sole counsel 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
 - Worked on a case involving the correct construction of section 26 of the Financial Services and Markets Act 2000 considering whether the making of an agreement by an unauthorised person, the performance of which can
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constitute a regulated activity, would be rendered unenforceable by that provision

- 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
- Appeared as sole counsel in an application to set aside default judgment made by a Bank in a claim for direct debit refunds
- Assisted insurers in identifying whether cladding defects were correctly notified under various insurance policies
- Assisted one of the UK's leading insurance brokers with the introduction and adoption of machine learning software to extract and identify key provisions in insurance policies to increase efficiency in insurance claims

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.

Featured Technology & Telecoms cases

- Instructed as sole counsel in a 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
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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

- 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
 - Instructed as sole counsel to draft a defence to a claim brought against a drain surveyor for 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
 - Instructed as sole counsel at trial to defend a housing surveyor 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
 - 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
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Shipping

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

international element.

Featured Shipping cases

- Assisted with drafting a reply in a claim for loss resulting from the wrongful arrest of a vessel

- Assisted with drafting a reply in a “wet” shipping case, involving a claim for damage resulting from a crane collision between cranes on two different vessels, requiring expert evidence to prove causation

- Assisted with advising shipbuilders on whether a contract with the prospective purchasers of a vessel prevented them from arresting the vessel as security for their intended claim for non-payment

- 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 the price of \$70,000,000

- Instructed with Alexander Wright KC to draft 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

- Instructed as sole counsel to draft Particulars of Claim for an action in rem for unpaid berthing fees, following the arrest of a vessel

- Instructed as sole counsel to draft 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

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)