



Seb Oram

Year of Call: 2007

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Overview

Seb Oram is a Commercial and Construction Law barrister. He is recommended counsel in Who's Who Legal 2019, Chambers UK 2019 and Legal 500 2018/2019. In 2019 he received the International Advisory Experts' Award in Construction Law.

Typical areas in which he receives instructions include:

Construction

- Bringing and defending construction claims
- Dangerous structures and defective premises
- Professional negligence (including architects, designers, engineers, M&E and project managers)
- Disputes arising from interim certificates and final accounts
- Adjudications and their enforcement
- Advising in relation to disputes arising under the common-form contract suites (in particular JCT and NEC contracts)
- Party wall disputes and appeals

Commercial

- Professional negligence (including lawyers, insurance brokers, finance professionals, and directors' duties)
- Insolvency (personal and corporate)
- Insurance disputes
- Company and partnership disputes
- Breach of trust and tracing claims
- Sale of goods and financing agreements
- Commercial disputes and joint ventures

Property and Estates

- Disputes about land (including contracts for sale, new-build developments, land registration and unregistered land)
- Mortgages and receivership
- Landlord and tenant (particularly commercial leases and renewals; and private sector residential tenancies)

After reading law at Trinity Hall, Cambridge, Seb completed an LL.M. (by research) at the University of Bristol, investigating the

impact of European Community law on the investment practices of institutional investors.

Publications and lectures

- Former contributing author to the Royal Institute of Chartered Surveyors' ISurv platform (chapters on "Regulated Public Procurement in the UK", and on the 2011 amendments to the JCT Intermediate contracts).
- "Extensions of Time and Damages for Delay - Recent Developments" Paper D148 presented to the Society of Construction Law (October 2012)
- "Professional negligence liability for the gratuitous performance of services". Paper delivered to the Annual Conference of the Professional Negligence Lawyers Association (November 2016).
- "Forfeiture of fiduciary remuneration following breach of duty: from contract to conscience" [2010] Lloyd's Maritime and Commercial Law Quarterly 95.

Recommendations

Experienced junior focusing on professional negligence claims against construction professionals, among others. He has experience litigating in the Court of Appeal as well as the TCC.

"He very quickly inspires confidence in the client and is a measured but very effective negotiator."

Recent work: Acted before the Court of Appeal in a claim arising out of the design, tendering and supervision of the structural relandscaping of a terraced garden, and considering whether a professional could be held liable for services provided gratuitously.

Chambers UK 2019/Professional Negligence: Technology & Construction London Bar – Band 3

Strengths: "You can bombard him with information and he sees straight through everything that needs to be swept aside. He gets to the crux of the issue. He is also a very effective communicator."

Chambers UK 2018/Professional Negligence: Technology & Construction London Bar – Band 3

'Incredibly detailed, solid and hardworking.'

Legal 500 2018/19/Professional Negligence/Leading juniors/London

Academic qualifications

- MA (Hons.) Law, Trinity Hall, Cambridge
- LL.M., University of Bristol

Professional qualifications & appointments

- Called 2007; Lincoln's Inn

Professional bodies

- Associate member of the Association of Business Recovery Professionals ("R3")
- Chancery Bar Association
- Member of the Society of Construction Law
- Technology & Construction Bar Association (TECBAR)

Expertise

Construction and engineering

Seb regularly advises and acts in relation to construction disputes, and routinely deals with disputes arising under the common-form contract suites (in particular JCT and NEC contracts). A large part of his practice concerns professional negligence in the construction and engineering context.

In each of his practice areas he represents parties in arbitration, the High Court and the County Court. He also acts in adjudications under the 1996 Act and in the enforcement of adjudicator awards.

Recent cases

- Professional negligence claim against architects arising from deficient design, project management, and cost control, of garden redesign project (2016-2017; Technology and Construction Court)
- Professional negligence claim against project manager, alleging breaches of duty in the procurement and letting of a high-value residential development contract (2017)
- Negligence claim against third party M&E contractors, arising from sprinkler system flooding to commercial premises (2017)
- Acting for the employer in defending a neighbours' claim arising from an escape of fire from a construction site, and in parallel contribution proceedings against the main contractor (2014-2015, Technology and Construction Court)
- Advising a local authority in respect of claims arising from defective concrete structures in public car park (2014; case ongoing)
- Professional negligence claim against architects arising from deficient design for the refurbishment of a residential care home (2014; case ongoing)
- Bringing claim against a mechanical and electrical sub-contractor, based on defective installation of gas pipes (2013, Technology and Construction Court)
- Defending professional negligence claims arising out of geotechnical ground investigations (2013, Technology and Construction Court; case ongoing)
- Professional negligence claim against structural engineers arising out of design of concrete sub-structures (2013, Technology and Construction Court)
- Various construction claims relating to payment disputes, extensions of time and associated compensation claims, and disputed final accounts.
- Acting for/against nationwide house-builders in defects claims brought by purchasers

Noteworthy and recent cases (Technology / Construction)

Burgess v Lejonvarn [2017] EWCA Civ 254; 171 ConLR 118

Professional negligence claim against architect; assumption of responsibility in tort for design and project management services provided gratuitously.

Seeney v. Gleeson Developments Ltd [2015] EWHC 3244 (TCC), [2015] All ER (D) 143 (Nov)

West 3 Mechanical Contractors Ltd v Mizen Design Build Ltd [2014] All ER (D) 40 Defence of contractor's claim for payment, centring on defective installation of gas installation pipework.

Hunt and Ors v. Optima (Cambridge) Ltd and Anor [2013] EWHC 681 (TCC), (2013) 148 ConLR 27

Defects and tenants' repair claim arising out of the development of 26 new-build properties.

JGD Construction Ltd v. Mills [2013] EWHC 572 (Ch), [2013] BPIR 811

Appeal considering the extent to which the court has a discretion to make a final third party debt order, notwithstanding the fact that the judgment debtor has entered formal insolvency proceedings.

Publications

Construction law: The CDM Regulations 2015 and novated designer appointments – an update by Seb Oram

[View Publication](#)

On the anniversary of the CDM Regulations 2015 coming into force, Seb Oram presents a LexisNexis webinar on their effect and on the practical issues that they raise for the Construction and Engineering sectors.

[View Publication](#)

The CDM Regulations 2015: changes and impact – an update by Seb Oram

[View Publication](#)

Commercial

Seb's Commercial practice focuses on professional negligence, insolvency and business entities (Company Law, LLPs and joint ventures). A significant proportion of the matters in which he acts raise questions of conflicts between international jurisdictions.

In the field of professional negligence, his experience in the Commercial sphere extends to claims against lawyers, insurance brokers, finance professionals, and company directors. He is frequently instructed in claims arising from the misconduct of litigation and conveyancing transactions. He also prosecutes and defends claims for breach of directors' duties, including derivative claims under the Companies Act 2006.

In each of his practice areas he represents parties in arbitration, the High Court and the County Court.

Recent cases

- Professional negligence claim against conveyancing solicitors, resulting in transfers of defective title
- Professional negligence claims against financial (tax) advisors, arising from 'film scheme' income tax mitigation advice
- Restoration of companies struck off under the Companies Act 2006, and limitation directions (2017, Court of Appeal)
- Various disputes relating to the international sale of goods and commodities
- Disputes arising from breaches of a joint venture agreement for the acquisition of property, and unfair prejudice in the conduct of company affairs
- Defending a company director in breach of trust and preference / transaction at undervalue claims concerning dealings with land
- Shareholder dispute arising from the dissolution of a technology-based business venture, claiming duress and intimidation (2016, Court of Appeal)
- Acting for liquidators in the recovery of assets from former directors of a company and related parties
- Acting for an AIM-listed company in derivative action proceedings under the Companies Act 2006

Recent cases (Commercial):

Davy v. Pickering [2017] EWCA Civ 30; The Times, 2017, 8 March

The discretion to make directions under s.1032 of the Companies Act 2006, including provision back-dating the deemed date

of presentation of a winding up petition.

Dawson v. Bell [2016] EWCA Civ 96; [2016] 2 BCLC 59

Damages for economic duress / tort of intimidation, arising out of the execution of a shareholders' agreement.

Green (as liquidator of Al Fayhaa Mass Media Limited) v. El-Tai [2015] BPIR 24 (Ch)

Liquidator's preference claim considering director's duty of fairness between creditors, in repaying loans.

Threlfall v. ECD Insight Ltd [2013] IRLR 185 (QB)

Breach of solicitation covenant in director's employment contract, and in a share buy-out agreement.

JGD Construction Ltd v. Mills [2013] EWHC 572 (Ch), [2013] BPIR 811

Appeal considering the extent to which the court has a discretion to make a final third party debt order, notwithstanding the fact that the judgment debtor has entered formal insolvency proceedings.

Stupples v. Stupples & Co (High Wycombe) Ltd [2012] EWHC 1226 (Ch); [2013] 1 BCLC 729

Defence of claim for agent's fees, based on agent's conflict of interest.

Asiansky Television Plc & Anor v Khanzada & Ors [2011] EWHC 2831 (QB)

Professional negligence claim in relation to the conduct of litigation.

Imageview Management Ltd v. Jack [2009] EWCA Civ 63; [2009] 2 All ER 666; [2009] 1 Lloyd's Rep 436; [2009] 1 BCLC 724; [2009] Bus LR 1034; The Times, 24 March 2009

Extent of a fiduciary's disentitlement to remuneration following breach of duty.

Insolvency

Seb acts in contentious insolvency, both corporate and personal.

In each, he may be instructed at all stages of the insolvency process, from disputed petitions and restraining winding up, administering the insolvency and asset recovery, and termination of the insolvency process. He also advises and acts in relation to directors' disqualification proceedings. A number of his previous cases have been reported.

Typical areas of instruction include:

- Pre-insolvency
- Validation orders
- Applications to restrain presentation of petitions
- Setting aside statutory demands
- Disputed winding up / administration petitions
- Insolvency process and asset realisation
- Vulnerable transactions (preferences, transactions at undervalue, transactions defrauding creditors)
- Misfeasance and breach of duty claims against directors
- Fraudulent and wrongful trading
- Disputed proofs of debt
- Removal of liquidators / administrators.

Other

- Applications to act as director of companies with prohibited names
- Dissolution of companies
- Director disqualification.

Recent cases (Insolvency):

Davy v. Pickering [2017] EWCA Civ 30; The Times, 2017, 8 March

The discretion to make directions under s.1032 of the Companies Act 2006, including provision back-dating the deemed date of presentation of a winding up petition.

Green (as liquidator of Al Fayhaa Mass Media Limited) v. El-Tai [2015] BPIR 24 (Ch) Liquidator's preference claim considering director's duty of fairness between creditors, in repaying loans.

JGD Construction Ltd v. Mills [2013] EWHC 572 (Ch), [2013] BPIR 811

Appeal considering the extent to which the court has a discretion to make a final third party debt order, notwithstanding the fact that the judgment debtor has entered formal insolvency proceedings.

Professional Negligence

Seb's practice centres on professional negligence in the Commercial and Construction sectors. In 2017 he appeared in the Court of Appeal in a landmark decision relating to duties of care in respect of professional advice and services provided gratuitously. He is regularly instructed to advise and represent parties in the High Court, the County Court and (where available) in arbitrations relating to professional negligence.

He also regularly lectures on the topic.

Seb has particular experience in relation to negligence claims relating to the following professional disciplines and subjects:

- Construction
- Architects and designers
- Construction project managers and contract administrators
- Engineers and structural designers
- Surveyors (Quantity, Building, Land/Geotechnical and Management)
- Mechanical and electrical works designs
- Lawyers
- Misconduct of litigation and wasted costs orders
- Conveyancing and defective title
- Negligence in drafting commercial agreements
- Finance and Business
- Tax advisors
- Investment advisors
- Property valuers
- Company directors and managers (breach of care and skill and fiduciary duty, and derivative claims)

Recent cases (Professional Negligence):

Burgess v. Lejonvarn [2017] EWCA Civ 254; 171 ConLR 118

Professional negligence claim against architect; assumption of responsibility in tort for design and project management services provided gratuitously.

Re Elektron Technology plc [2015] EWHC 2121 (Ch), [2015] All ER (D) 97

Resisting an application to permit an action to proceed as a derivative action against an AIM-listed public company.

Other:

- Acting for the employers in a redevelopment of luxury residential property in Notting Hill, claiming against their construction project manager and an insurance broker for advising negligently on the terms of the construction contract and project insurance.
- Acting for the employers in a refurbishment of a heritage-status 18th century church, claiming against their architect and project manager for the negligent performance of supervision services.
- Acting for the employers in a claim against structural engineers, arising out of defective footings of a commercial development in Brighton.
- Acting for a homeowner in a claim against structural engineers following the collapse of a house during basement excavation works.

Publications

Access to accounting information under Share Purchase Agreements. Seb Oram analyses, for LexisPSL, the recent decision in Zedra Trust Company (Jersey) Ltd v. The Hut Group Ltd [2019] EWHC 2191 (Comm), in which the Commercial Court considered what rights one party to a Share Purchase Agreement has against the other, to access information about the company after completion of the sale. This article was first published by Lexis®PSL on 28 August 2019.

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Commercial update: Commercial negotiations and draft contracts – the formation of a binding contract

When one party pulls out of commercial negotiations before a contract is signed, how does the Court determine if a contract has been formed? Seb Oram analyses the Commercial Court's recent decision in Rotam Agrochemical Co Ltd v. GAT Microencapsulation GmbH [2018] EWHC 2765 (Comm).

Seb is a Commercial Law barrister specialising in professional negligence and the construction sector.

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Unfair Terms:

What has changed recently?

UCTA 1997: dealing on another's standard terms

Changes to unfair terms in consumer contracts

To read Seb Oram's analysis, please click on the link below.

[View Publication](#)

After Schrems, how lawful is cloud storage? An update by Seb Oram

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Commercial update: Professional negligence – Seb Oram revisits conveyancers' scope of duty. The Supreme Court has recently heard a challenge to the SAAMCO 'scope of duty' principle, in the context of a professional negligence claim against conveyancers. Seb Oram analyses the recent, landmark decision in BPE Solicitors v. Hughes-Holland [2017] UKSC 21 (SC) that

considers how the scope of duty principle applies.

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Property and Estates

Seb's Property and Estates practice focuses on disputes about land, and landlord and tenant. A substantial part of his practice relates to disputes about property ownership, and defects in land registration. In the landlord and tenant context he is regularly instructed in disrepair claims, particularly those involving expert, technical evidence.

He is a member of the Chancery Bar Association.

Seb has considerable experience of advocacy in the Property Chamber of the First Tier Tribunal, the High Court and County Courts, and has been instructed in the Court of Appeal.

Recent cases

- Land registry rectification claim relating to charity land
- Disrepair claims brought by multiple tenants of a residential block, against their landlord
- Claims to a beneficial interest between joint (co-habiting) owners of properties
- Joint venture disputes arising from commercial agreements to purchase/develop land

Recent cases – Property and Estates, Chancery:

Dawson v Bell [2016] EWCA Civ 96; [2016] 2 BCLC 59

Damages for economic duress / tort of intimidation, arising out of the execution of a shareholders' agreement.

Hunt and Ors v. Optima (Cambridge) Ltd and Anor [2013] EWHC 681 (TCC), (2013) 148 ConLR 27

Defects and tenants' repair claim arising out of the development of 26 new-build properties.

Courtenay Gate Lawns Ltd v. Lee [2012] UKUT 125 (Lands Chamber)

Resisting application to discharge restrictive covenants in a long lease, raising a point of principle as to the effect of a landlord's conduct in granting subsequent leases in different form.