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Joseph Dalby SC

Call: 1988

Silk: 2015

Barrister

Senior Counsel (Irl)

LLB (Hons), lic.sp.dr.eur., MCI Arb

Joint Head of Private Client Team

Direct Public Access Qualified

Practice Profile

Joseph Dalby SC is an English & Welsh, and Irish, barrister, practicing civil, commercial and European law, full time in the English and Irish jurisdictions, and internationally on domestic, cross-border and international matters within his areas of experience.

This includes: Advocacy before the English and Irish Courts, tribunals, arbitrations and regulatory bodies, and Specialist advice in EU, UK, and Irish law

Joseph's practice covers commercial, business regulation, chancery/private client, administrative law, and dispute resolution.

Work Undertaken

- Commercial Contracts
- Business Law and Regulation
- Dispute Resolution
- Private Client and Chancery
- Cross-border disputes and transactions.

Areas of Experience

- Commercial Litigation
- Contracts
- Company and Partnership
- Regulatory
- Private Client
- Trusts
- Cyber
- Technology
- Civil Fraud
- Asset Recovery
- International
- International Commercial Litigation

Contact Clerks

Telephone: 020 7421 8051 (Commercial)
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Contact Joseph

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- Public Finance and Commerce
- Trusts and Companies
- Cyber, Technology and Data
- Civil Fraud and Trusts

He routinely deals with commercial contracts, regulated markets, company, trusts and probate public procurement/PPP, cyber, tech and data and construction. He will give advice on contracts, companies, trusts, goods and services, and assets of value of all description and purpose.

Throughout his career he has worked extensively in the areas of construction, financial services, public procurement and competition, data protection, and the environment.

A significant part of his practice breach of duty, debt collection, and regulatory compliance. He often gets involve in allegations of civil fraud, the protection or recovery of assets, knowing receipt or dishonest assistance, and economic torts. He routinely advises company ownership, trust control and the ownership of assets and beneficial interests.

Commercial Contracts

Joseph has practiced generally in the area of commercial law since qualification, with exposure to contracts of all description, purpose and circumstance, and involved in all aspects including drafting, reviewing and negotiating and enforcing contracts, agreements, terms of trade, settlement of disputes.

As a former solicitor he has acted as a transactional lawyer, negotiating and settling written contracts as well as representing clients in contentious litigation and arbitration over domestic and cross-border contracts.

His practice also extends to related areas, such as company commercial issues, intellectual property, data protection, business regulation, cross-border jurisdiction and choice of law.

He has frequently and often advised on particular sorts of contracts in relation to company shares, construction, financial services, and public contracts.

Business Law and Regulation

Joseph practice in relation to business regulation relates mainly to advising business owners on compliance, rights and options, for instance in the sale or purchase of companies and assets or expansion, or trade (both domestically and internationally), in compliance with relevant applicable regulation.

He has practiced in the area of European law for many years, often the source of regulation in the area of competition law, market access, consumer, health & safety, and the environment.

This work manifests as advice on specific transactions or business or network expansion, liability, and representation in applications to regulatory bodies, or in disputes with regulatory bodies, competitors or consumers, or indeed shareholders.

He will advise and assist in relation to regulatory compliance of agreements, corporate entities, business transactions, market conditions, and the commercialization of goods and services.

It extends to the organizations and structures that owners use including company law and insolvency, including partnership, share ownership and trusts.

Dispute Resolution

Joseph advises and appears in litigation in his areas of practice, mainly in High Court and above in the Business and Property Courts of England & Wales, and the Commercial, Chancery and Judicial Review/Non-Jury lists in Ireland.

He acts in commercial litigation, judicial review, arbitration as well as in mediations.

He has been involved in cases of wide complexion, complexity and size, dealing with research and advice (whether novel or new), settling pleadings and submission, cross-examination, and legal argument.

Joseph will take on cases with a range of disciplines involved from commercial contracts to economic torts, civil fraud to dishonesty and liability to asset recovery and cross-border issues to civil procedure and costs.

Private Client and Chancery

Joseph is Joint Head of the Private Client Team within Chambers, which mainly provides services in relation to trusts (including TOLATA) and probate.

Joseph's practice in this area covers the control and ownership of companies (and partnership), trust property and probate. He is often engaged in disputes over land, inheritance, and beneficial interests, as well as:

- Duties and obligations of executors, trustees and directors.
- Rights of beneficiaries under trust and inheritance.
- Protection and recovery of assets from breach of trust, civil fraud, dishonest assistance, or knowing receipt

Cross-Border Disputes and Transactions

Joseph has practiced in Irish law for 20 years. His range of practice complements his practice in England & Wales.

He advises regularly on choice of law, jurisdiction and conflicts of law.

Procurement and Construction Contracts

Joseph has been advising on public and utility contracts since the mid-1990s and has appeared in a number of reported cases. He is available to advise both buyers and suppliers.

Cyber, Data and Technology

Joseph advises on data and technology law for in the context of data protection, contracts and business regulation.

Financial Services

Joseph advises on regulatory control by the UK Financial Services Authority.

Publications

Big Data in the Post-Brexit Era - Where Oh Where Will It Be?

Drones over Gatwick

Lawyer Legal Roundup

A Performance Bond, Deconstructed (2010) 11 BLI 105

Challenging Times – Remedies in Public Procurement, (2009) 1 IBLQ 5

Setting Off Summary Judgement (2009) 3 IBLQ 1

Performance Bonds – Issues of Drafting, Execution and Enforcement (2009 3(4) IBLQ 14

A New Remedies Directive, European PPP Forum, EIPA June 2006

EU law for the Construction Industry

Remedies for Infringement of the Government Procurement Agreement

Advanced Deposits & the Package Travel Directive - Travel Law Journal [1996] TLJ 11

Construction Produces and European Technical Approval

Legal Matters

Liabilities and Warranties in the Construction Industry

Community NewsScan Service

Notice to national Courts on the Application of Articles 85 and 86

Seminars

Occasional internal continuing professional development seminars to legal professionals (continuing)

“Local Authorities and the Duty to Consult” to London Boroughs Legal Alliance (2014)

“Local Authorities and Electronic Procurement” to London Boroughs Legal Alliance (2014)

“Conducting a Lawful Procurement Process II” to King’s Inns Advanced Diploma in Public Proc...

“Public Procurement From The Perspective of Public Bodies”, Corporate & Public Lawyers As...

"Secondary Policies in Public Procurement" to ISEL Procurement Law Forum (2011)

“Performance Bonds – ‘Virtual Promissory Notes’?”, UCD Commercial Law Centre (2009)

Occasional training seminars for civil servants 2005 to date)

Regular speaker at continuing professional development courses through the mid-1990s

Appointments & Memberships

- Panellist accredited by the World Intellectual Property Organisation, Geneva for Uniform Dispute Resolution Policy administrative proceedings
- Panellist accredited by the Czech Arbitration Court, Prague for .eu Alternative Dispute Resolution Proceedings

Notable Cases

Student Transport Scheme Ltd v The Minister for Education and Skills & Anor [2012] IEHC 425, [2015] IECA 303, [2016] IECA 152

Harley Medical Group (Irl) Ltd v Companies Acts 1963-2012 [2013] IEHC 219

McCoy v McCoy & Anor [2013] IEHC 82

Gaswise Ltd v Dublin City Council [2014] IEHC 56

Willmott Dixon Partnership Ltd v London Borough of Hammersmith and Defendant Fulham [2014] EWHC 3191 (TCC)

Qualifications

- Degree in Law - LL.B. (Honours), London South Bank University, 1987
- Licence speciale en droit europeen (Masters Degree in European Law), Universite Libre de Bruxelles, 1996

- Barrister – Called to the Bar of England and Wales, Middle Temple, 1988
- Barrister – Called to the Bar of Ireland, 1993 to 2000, and then from 2008 to date
- Solicitor – Admitted as Solicitor of the Law Society of Ireland, 2000 to 2007