



PUBLIC INQUIRIES
ADR APPOINTMENTS

Sir Thayne Forbes

Arbitrator, Adjudicator and Mediator // tforbes@atkinchambers.com

PRACTICE

Sir Thayne Forbes is an arbitrator, adjudicator and mediator and chair of high profile public inquiries.

Following a successful career at the bar from 1966 to 1990, becoming Queen's Counsel in 1984, he was made Official Referee from 1990 to 1993. He was then appointed as a High Court Judge and assigned to the Queen's Bench Division and 2 years later as Presiding Judge of the Northern Circuit until 1999.

From 2001 to 2004 he was the judge in charge of the Technology and Construction Court. He was then Chair to the Working Group set up by the Judges' Council to report on judicial welfare and support in 2005/6 and following the Working Group's report was asked to Chair the Judges' Council's Standing Committee on judicial welfare and support. This committee has produced two further reports. At the request of the Lord Chief Justice, Sir Thayne continues to act as the chair of the Standing Committee and as the person with portfolio responsibility for judicial welfare for England and Wales. He retired from the High Court Bench in January 2009.

PUBLIC INQUIRIES

In a written statement given on Wednesday 2 November 2009, the Secretary of State for Defence, The Rt Hon Bob Ainsworth MP announced that there would be a public inquiry into the allegations that Iraqi nationals were detained after a firefight with British soldiers in Iraq in 2004 and unlawfully killed at a British camp, and that others had been mistreated at that camp and later at a detention facility and accordingly Sir Thayne Forbes was appointed Chairman of The Al-Sweady Public Inquiry.

ADR APPOINTMENTS

ARBITRATOR

- Sitting as arbitrator regarding a dispute in connection with the provision of electricity.

ADJUDICATION

- Sitting as adjudicator on a dispute relating to a £220m NHS Trust PFI project. The dispute concerned the ventilation and air-conditioning requirements on the construction of a new Oncology Centre.

MEDIATION

- Successfully mediated on a £900m construction dispute in relation to the design of structural engineering works at the new Wembley National Stadium;
- Sitting as mediator regarding a multi-party high value TCC dispute over the construction of a premium quality residential property in West London.

NOTABLE CASES

Sir Thayne Forbes' judgments during his time as a judge are mostly matters of public record and can be obtained from the Bailii website or from published case reports and commentaries. Examples of some of his major cases include:

CONSTRUCTION AND CIVIL ENGINEERING

Yorkshire Water Services Ltd v Taylor Woodrow Construction Northern Limited, Biwater Treatment Ltd and Elga Ltd [2004] EWHC 1660 (TCC) (described by the Court of Appeal as "A masterpiece of analysis of highly complicated technical detail of a mechanical and biochemical nature);

Proctor & Gamble and others v Carrier Holdings Ltd and Toshiba Carrier UK Ltd [2003] EWHC 83 (TCC);

Davy Offshore v Emerald Field Contracting [1991] 55 BLR 1.

INFORMATION TECHNOLOGY

Salvage Association v CAP Financial Services Ltd [1995] FSR 654

PLANNING OR OTHER TYPES OF COMMERCIAL WORK

R (on the application of the Mayor of London) v The Secretary of State and others [2008] EWHC 631 (Admin);

West Midlands International Airport Ltd v The Secretary of State for Communities and Local Government and others [2008] EWHC 2309 (Admin);

Ashwell Property Group v Cambridge City Council [2007] EWHC 1753 (Admin);

R (on the application of Sinn Fein and Conor Murphy) v The Secretary of State for Northern Ireland [2007] EWHC 1753 (Admin) (A Divisional Court Judgment);

R (on the application of the London Borough of Hillingdon) v The Secretary of State for Education and Skills [2007] EWHC 514 (Admin);

Pascoe v The First Secretary of State, The Urban Renewal Agency and Liverpool City Council [2006] EWHC2356 (Admin).

ENVIRONMENTAL

Graham v Rechem International Ltd [1994] Env LR 158 (this trial lasted 15 months and concerned the alleged pollution of grazing land by dioxins emitted from a nearby chemical waste incinerator).

QUALIFICATIONS AND AWARDS

2002	Fellow of the Chartered Institute of Arbitrators
1994	Nominated to hear cases of the Crown Office List (now the Administrative Court)
1991	Elected Bencher of Inner Temple
1986	Appointed as a Recorder
1963-1966	Royal Navy: Short Service Commission as Instructor Lieutenant
1957-1960	LLB and LLM, University College London