

# 12

King's Bench Walk

## Andrew Roy

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### AREAS OF EXPERTISE

Personal Injury, Costs, Industrial Disease, Clinical Negligence, Professional Negligence, Limitation, Fraud, Police Claims, Property, Insurance, Product Liability, Public Authority Liability, Abuse, International & Travel

### JUDICIAL APPOINTMENTS

Deputy Costs Judge of the Senior Courts (2021)

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Andrew has a significant appellate practice. He is head of the 12 KBW Costs Team. He sits as a Deputy Costs Judge of the Senior Courts.

Andrew is ranked as a Leading Junior in both Personal Injury and in Costs by both Chambers & Partners and the Legal 500. The directories recommend him as being *“adept at handling challenging cases of high complexity”*, *“a great strategist with an eye for the big picture at all times”*, *“legally savvy”* a *“fierce advocate, who is very bright but also practical”*, *“a great choice of counsel when you know you have a fight on your hands”*, and *“Utterly dependable and a great advocate”*. They note that he is *“happy taking on complex brain and spinal cases and frequently appears against QCs”*, *“concise, pays enormous attention to detail and is excellent with clients”* and is *“very thorough, persistent and persuasive in court.”*

As one of only a handful of barristers ranked by the directories in both personal injury and in costs, Andrew brings this in-depth crossover expertise to both his personal injury cases and his costs work. The directories note that in respect personal injury that he is *“a strong negotiator and has the added value of real costs expertise”* who is *“Valued by instructing solicitors for his considerable knowledge of costs issues”*. They likewise note that in respect of costs he *“draws strength to his practice through his personal injury expertise.”*

Before joining the Bar, he worked as a caseworker for the Legal Aid Board and then as an insurance claims handler.

## Personal Injury

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Andrew covers all aspects of personal injury including employers' liability, public liability, road traffic accidents, product liability and psychiatric injury. He is regularly instructed in catastrophic and fatal claims. He has extensive experience in chronic pain cases and cases involving allegations of fundamental dishonesty.

He is recommended in the directories as being "*An astute tactician who ensures that claims are presented in the best possible light*", "*highly intelligent*", "*very adept at assimilating large volumes of detailed information quickly and accurately*". "*A fighter who will take on cases others won't*", "*robust and assured*", "*impressive in willing to fight cases, and being committed to taking on difficult matters*", and who "*takes on complex cases and commits to them with energy and vigour*".

Notable cases include *Marsh v Ministry of Justice*, *Flint v Tittensor*, ***Wembridge v Winter*** and ***Dawkins v Carnival plc***.

## Costs

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Andrew has extensive experience and expertise in contentious costs litigation, in particular with respect to CFAs and fixed costs of all types.

He was appointed a Deputy Costs Judge in 2021.

He regularly attends detailed assessments and is often instructed to deal with technical costs and procedural issues, especially on appeal. As per Chambers & Partners, he is "*particularly adept at handling CFAs and detailed assessments*" and "*routinely called upon to advise clients on cost appeals and has significant experience of appearing before the Court of Appeal*".

The directories also note that Andrew is "*A very tenacious and determined advocate who's your man for a tough fight*", is "*always very well prepared, fights extremely hard for his client (in a fair way) and takes all the best points*", that "*His skeleton arguments are detailed and insightful, such that he's almost won the battle before he pitches up at court*" and that "*His advocacy is well paced and always well received*."

Andrew's reported costs cases include ***Ho v Adekun (No. 2)***, ***Deepchand v Sooben***, ***Finsbury Food Group Plc v Dover***, ***Ho v Adekun (No. 1)***, ***NJL v PTE***, ***Page v RGC Restaurants Ltd***, ***GL v PM*** and ***Marsh v Ministry of Justice (Costs)***.

## Industrial Disease

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Within personal injury, Andrew has a particular interest in industrial disease and occupational health claims, including all types of asbestos litigation, stress at work, RSI/HAVS and WRULD. He is a contributor to ***Asbestos: Law & Litigation***, Sweet & Maxwell (2019).

The directories note Andrew's expertise in "*complex industrial disease litigation*" and comment that he "*has extensive experience in occupational disease claims and a strong knowledge of asbestos and RSI/HAVS claims*", is "*noted for his expertise in claims concerning RSI and other upper limb ailments*" and "*helps clients involved in a range of workplace stress and occupational disease claims*".

Andrew's notable cases in this area include *Marsh v Ministry of Justice*, ***Young v Western Power Distribution (South West) Limited*** and ***Jones v Norfolk CC***.

## Clinical Negligence

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Andrew's clinical negligence practice encompasses all aspects of medical and dental negligence, as well as claims involving other healthcare professionals. He has a particular interest in claims involving surgical negligence.

## Professional Negligence

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Andrew's professional negligence expertise is founded on his comprehensive knowledge of the underlying litigation areas. He has particular experience in claims arising out of personal injury litigation including actions against solicitors, barristers and other legal professionals, as well as actions against negligent experts and in related costs and insurance disputes.

Andrew's crossover expertise in costs is especially valuable given the increasing incidence of complaints of professional negligence generated by or linked to costs disputes. His limitation expertise is also pertinent given the number of professional negligence claims containing and/or arising out of limitation issues.

## Limitation

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Andrew has a special interest and particular expertise in all aspects of limitation law. Chambers & Partners notes that he "*brings an impressive grasp of limitation law to personal injury claims*". He is co-author of the leading text on personal injury limitation; ***Personal Injury Limitation Law*** (Bloomsbury 2020). He is a contributor to the limitation chapter in ***Asbestos: Law & Litigation***, Sweet & Maxwell (2019). He has appeared in several notable limitation cases; ***Aktas v Adepta***, ***Young v Western Power Distribution (South West) Limited*** and ***Jones v Norfolk CC***.

## Fraud

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Andrew has considerable experience acting in cases involving allegations of fraud and fundamental dishonesty.

## Police Claims

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Andrew is regularly instructed by the Police Federation and has extensive experience in claims involving and against the police.

His notable cases in this area include ***Blair v The Chief Constable of Sussex Police***, ***The Chief Constable of Hampshire Police v Taylor*** and ***Wembridge v Winter***

## Property Damage

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Andrew deals with all classes of property damage, fire and flood claims.

## Insurance

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Andrew regularly deals with insurance related disputes.

## Product Liability

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Andrew is instructed in product liability cases within his core areas of practice.

## Public Authority Liability

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Andrew is frequently instructed to act for and against public authorities within his core areas of practice. His notable cases in this area include ***Wembridge v Winter***, ***Marsh v Ministry of Justice*** and ***Durrant v Thames Water Utilities Ltd***.

## Sexual Abuse

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Andrew is an expert in sexual abuse claims, particularly those involving limitation issues.

## International & Travel

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Andrew accepts instructions in cases with an international element. His previous cases in this area include ***Dawkins v***

**Carnival plc** and a novel claim arising out of asbestos exposure in South Africa.

## Directories

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*"He is very thorough, persistent and persuasive in court." (Chambers & Partners 2021)*

*"He is particularly adept at handling CFAs and detailed assessments. He is also routinely called upon to advise clients on cost appeals and has significant experience of appearing before the Court of Appeal. He draws strength to his practice through his personal injury expertise." (Chambers & Partners 2021)*

*"A very tenacious and determined advocate who's your man for a tough fight." (Chambers & Partners 2021)*

*"He's comprehensive in how he approaches cases and is very straightforward, tactically astute and always fully prepared." (Chambers & Partners 2021)*

*"An extremely able barrister. He is always very well prepared, fights extremely hard for his client (in a fair way) and takes all the best points." (Legal 500 2021)*

*"He is very bright and determined." (Chambers & Partners 2021)*

*"He possesses solid costs knowledge and his preparation is always first rate. His skeleton arguments are detailed and insightful, such that he's almost won the battle before he pitches up at court." (Chambers & Partners 2021)*

*"Knowledgeable, bright and advises with a great deal of common sense" (Legal 500 2021)*

*"He's hard-working, very detailed and extremely knowledgeable. He picks things up quickly and is a very good all-round barrister." (Chambers & Partners 2020)*

*"He is a strong negotiator and has the added value of real costs expertise." (Legal 500 2020)*

*"His advocacy is well paced and always well received." (Legal 500 2020)*

*"He is very adept at assimilating large volumes of detailed information quickly and accurately." (Chambers & Partners 2019)*

*"He is legally savvy and willing to fight a tough case." (Chambers & Partners 2019)*

*"Undoubtedly a leading junior, he is a great strategist with an eye for the big picture at all times." (Legal 500 2019)*

*"Utterly dependable and a great advocate" (Chambers & Partners 2018)*

*"Takes on complex cases and commits to them with energy and vigour" (Chambers & Partners 2018)*

*"He's quite happy taking on complex brain and spinal cases and frequently appears against QCS. He's very thorough and a good negotiator with confidence in the courtroom. He's someone who's prepared to take risks and the extra mile for clients on CFAS" (Chambers & Partners 2017)*

*"instructed in complex industrial disease litigation and brings an impressive grasp of limitation law to personal injury claims" (Chambers & Partners 2017)*

*"A fierce advocate, who is very bright but also practical" (Legal 500 2017)*

*"Valued by instructing solicitors for his combination of substantial personal injury expertise and his considerable knowledge of costs issues" (Chambers & Partners 2016)*

*"noted for his expertise in claims concerning RSI and other upper limb ailments" (Chambers & Partners 2016)*

*"He is very clever and procedurally excellent" (Chambers & Partners 2016)*

*"He is a great choice of counsel when you know you have a fight on your hands" (Chambers & Partners 2016)*

*"He leaves no stone unturned to get to the right result" (Legal 500 2016)*

*"An astute tactician who ensures that claims are presented in the best possible light" (Legal 500 2016)*

*"He has extensive experience in occupational disease claims and a strong knowledge of asbestos and RSI/HAVS claims" (Chambers & Partners 2015)*

*"He is concise, pays enormous attention to detail and is excellent with clients" (Chambers & Partners 2015)*

*"A fighter who will take on cases others won't" (Legal 500 2015)*

*"He's impressive in being willing to fight cases, and being committed to taking on difficult matters" (Chambers & Partners 2014)*

*"Thorough in his preparation and written advice Andrew Roy is favoured by solicitors for the way he is able to reassure clients" (Chambers & Partners 2013)*

*"adept at handling challenging cases of high complexity" (Chambers & Partners 2013)*

*"He has an amazing understanding of a case" (Chambers & Partners 2013)*

*"Always provides clear, precise advice" (Legal 500, 2012)*

*"The 'robust and assured' style of the highly intelligent Andrew Roy helps clients involved in a range of workplace stress and occupational disease claims" (Chambers & Partners 2012)*

*"He underlines the strengths and weaknesses of a case well and lets you make up your mind,' agree clients, who also go on to praise the fact that he is 'bold enough to take a chance on tough cases.'" (Chambers & Partners 2012)*

*"solid and cannot be faulted" (Legal 500 2010)*

*"has a keen feel for the claim and knows exactly when to push hard" (Legal 500 2009)*

## Interesting Cases

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**Ho v Adelekun (No. 2)** [2020] EWCA Civ 517; [2020] Costs LR 317; whether QOCS precludes set off of a defendant's costs against a claimant's. Appeal heard by the Supreme Court in June; judgment pending.

**Deepchand v Sooben** [2020] EWCA 1409; [2020] Costs LR 1633: appeal as the correct costs order following the refusal of a non-party costs order on the grounds of proportionality.

**Finsbury Food Group Plc v Dover** [2020] EWHC 2176 (QB); [2020] 1 WLR 4496; [2020] Costs LR 1035; appeal as to the recoverability of counsel's fees under the fixed costs regime.

**Ho v Adelekun (No. 1)** [2019] EWCA Civ 1988; [2020] RTR 6; [2019] Costs LR 1963; appeal on the application of the

fixed costs regime.

**Higgins & Co Lawyers Ltd v Evans** [2019] EWHC 2809 (QB); [2020] 1 WLR 141; [2019] Costs LR 1711; appeal on the enforceability of a CFA following death.

**NJL v PTE** [2018] EWHC 3570 (QB); [2018] 6 Costs LR 1389; appeal on the correct approach to the assessment of success fees in catastrophic claims.

**Page v RGC Restaurants Ltd** [2018] EWHC 2688 (QB); [2019] 1 W.L.R. 22; appeal on the effect of filing an incomplete costs budget and on the court's jurisdiction to grant relief of its own motion.

**GL v PM** [2018] EWHC 2268 (QB); appeal concerning the interaction between security for costs and QOCS.

**Bratek v Clark-Drain Ltd** [2018] 4 WLUK 577: appeal determining that an agreement to pay costs on the standard basis did not displace the fixed costs regime.

**XY v Ingenious Media Holdings Ltd** [2018] EWHC 350 (QB) Stress at work strike out appeal considering the scope of compromise agreements, mental capacity and the impact of impecuniosity on Ladd v Marshall.

**Marsh v Ministry of Justice (Costs)** [2017] EWHC 3185 (QB); conduct, indemnity costs, and the interplay between Part 36 and the change in the discount rate. (Appeal on the Part 36/discount rate point subsequently allowed by consent.)

**Marsh v Ministry of Justice** [2017] EWHC 1040 (QB): 15 day High Court trial of an occupational stress claim involving allegations of criminal misconduct.

**Prescott v Trustees of the Pencarrow 2012 Maintenance Fund**, [2017] 6 WLUK 166: important clarification as to the scope of the fixed costs regime at CPR Part 45.

**Flint v (1) Tittensor (2) MIB** [2015] EWHC 466 (QB) [2015] 1 W.L.R. 4370; [2016] R.T.R. 2: high profile claim for vehicular trespass to the person entailing consideration of the criteria for battery, self-defence, ex turpi causa and volenti non fit injuria.

**Wembridge and others v Winter and others** [2013] EWHC 2331 (QB): multiple claims arising out of a mass explosion at a fireworks factory addressing operational immunity and the duty and standard of care of emergency services.

**The Chief Constable of Hampshire Police v Taylor** [2013] EWCA Civ 496; [2013] PIQR P20; [2013] ICR 1150: appeal concerning the applicability of the Personal Protective Equipment Regulations 1992; burden of proof and causation; issue based costs orders.

**Blair v The Chief Constable of Sussex Police** [2012] EWCA Civ 644; (2012) 156(20) S.J.L.B. 31; [2012] I.C.R. D33: appeal on the application of the Personal Protective Equipment Regulations 1992 to police training.

**Dawkins v Carnival plc (t/a P & O Cruises)** [2011] EWCA Civ 1237; [2012] 1 Lloyd's Rep. 1: appeal on the application of the evidential burden of proof in respect of a slipping accident in international waters.

**Aktas v Adepta, Dixie v British Polythene Ltd** [2010] EWCA Civ 1170; [2011] QB 894; [2011] 2 WLR 945; [2011] 2 All ER 536; [2011] CP Rep 9; [2011] PIQR P4: leading case on the interaction of the Limitation Act, service rules and abuse of process.

**Durrant v Thames Water Utilities Ltd and Surrey CC** [2010] 8 WLUK 59: consideration of assumption of responsibility and a utility company's duties in respect of water/ice on the highway.

**Jones v Norfolk CC** [2010] EWHC 1313 (QB): limitation in a claim for occupational lead poisoning.

**Qamili v Holt** [2009] EWCA 1625: appeal regarding driver's duty of care towards a pedestrian.

**Parmar v Big Security Company Ltd** [2008] EWHC 1414 (QB): a nightclub doorman's assault on a customer.

**OCS Group Ltd v Wells** [2008] EWHC 919 (QB); [2009] 1 WLR 1895; [2008] 4 All ER 818; [2008] P.I.Q.R. P18; (2008) LS Law Medical 386; (2008) 103 BMLR 17: leading case on pre-action disclosure of medical records.

**Ali v Al-Basri and Al-Basri** [2004] EWHC 2608 (QB); [2004] All ER (D) 290 (Nov): a complex claim involving constructive trusts and illegality.

**Young v Western Power Distribution (South West) Limited** [2003] EWCA Civ 1034; [2003] 1 W.L.R. 2868; [2004] P.I.Q.R. P4; (2003) 100(36) L.S.G. 43; (2003) 147 S.J.L.B.; The Times 19/08/2003: limitation and estoppel in fatal accident claims.

## Qualifications & Awards

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Newcastle University:

LLB (First Class Honours)

MA (Twentieth Century Literature)

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Bar Council: *Law Reform Committee Essay Prize – First Prize, Category A (2003)*

Lincoln's Inn: *Walter Wigglesworth Scholarship, Hardwicke Scholarship*

Newcastle University: *J H Rennoldson Memorial Prize* (highest mark in the final year), the *Sweet & Maxwell Prize* (highest mark in the second year), *Incorporated Law Society of Newcastle upon Tyne Prize* (equity), *Emsley Prize* (jurisprudence)

## Publications

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**Personal Injury Limitation Law** (co-author) Bloomsbury (2020)

**Asbestos: Law & Litigation** (contributor) Sweet & Maxwell (2019)

He has published over 40 articles in various legal journals (*PILJ, JPIL, JPN* and *PIBULJ*).

## Appointments & Memberships

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- Deputy Costs Judge of the Senior Courts
- Qualified Advocacy Trainer
- Pupil supervisor
- Member of Lincoln's Inn, the Personal Injuries Bar Association and the Professional Negligence Bar Association.

## Outside Interests

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Andrew is a keen runner. He is a member of Putney Running Club. He has ran 17 marathons and 1 ultra marathon, raising money for Headway, Breast Cancer Research, CLIC Sergeant and Scope. He is also an avid follower of other sports, in particular rugby (he is a member of Medicals RFC). His other interests include wildlife and literature.