

# 12

King's Bench Walk

## Andrew Roy

Call: 2002  
roy@12kbw.co.uk



### AREAS OF EXPERTISE

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

Andrew has a broad civil practice with particular expertise in personal injury, costs, industrial disease, clinical negligence, professional negligence, property damage limitation and related areas.

Andrew is recommended in the directories 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 *“concise, pays enormous attention to detail and is excellent with clients”* and is *“valued by instructing solicitors for his combination of substantial personal injury expertise and his considerable knowledge of costs issues”*.

Andrew has been rated as a Leading Junior in the Personal Injury section of the Legal 500 and Chambers & Partners since 2009 and 2012 respectively.

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

### Personal Injury

---

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 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.***

Andrew is retained as a Consultant for Sweet & Maxwell for the design and maintenance of their Online Personal Injury Schedule service.

## Costs

---

Andrew has extensive experience and expertise in contentious costs litigation, in particular with respect to CFAs and fixed costs of all types. He regularly attends detailed assessments and is often instructed to deal with technical costs and procedural issues. He frequently appears on costs appeals.

The directories note that Andrew is "*Valued by instructing solicitors for his considerable knowledge of costs issues*" and "*very clever and procedurally excellent*".

Andrew's reported costs cases include **NJL v PTE**, **Page v RGC Restaurants Ltd**, **GL v PM**, **Bratek v Clark-Drain Ltd**, **Marsh v Ministry of Justice (Costs)**, **Prescott v Trustees of the Pencarrow 2012 Maintenance Fund**, **OCS Group Ltd v Wells**, **Harries v Summers** and **Qaiyum v Ocado Ltd**.

## Clinical Negligence

---

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.

## Industrial Disease

---

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 currently in the process of co-authoring a book on asbestos litigation to be published in 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**.

## Professional Negligence

---

Andrew's professional negligence expertise is founded in 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

---

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 and has appeared in several notable limitation cases; **Young v Western Power Distribution (South West) Limited**, **Jones v Norfolk CC** and **Aktas v Adepta**.

## Fraud

---

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

## Police Claims

---

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

---

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

## Insurance

---

Andrew regularly deals with insurance related disputes.

## Product Liability

---

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

## Public Authority Liability

---

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*.

## Abuse

---

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

## International & Travel

---

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.

## Credit Hire

---

Andrew has extensive experience of all aspects of credit hire claims and accepts instructions in high value disputes.

## Inquests

---

Andrew appears at inquests relating to his core practice areas.

## Directories

---

*"He is very adept at assimilating large volumes of detailed information quickly and accurately."* (Chambers & Partners 2018)

*"He is legally savvy and willing to fight a tough case."* (Chambers & Partners 2018)

*"Undoubtedly a leading junior, he is a great strategist with an eye for the big picture at all times."* (Legal 500 2018)

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

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

*"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)*

## **Cases**

---

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

**Page v RGC Restaurants Ltd** [2018] EWHC 2688 (QB); 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** Lawtel 30/04/2018: appeal determining that an agreement to pay costs on the standard basis did not displace the fixed costs regime at **CPR Part 45**.

**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**, Lawtel 27/6/2017: 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*.

**Palmer v University of Surrey** Lawtel 10/04/2014: validity of a compromise agreement between defendants in light of an alleged misrepresentation.

**Qaiyum v Ocado Ltd** Lawtel 25/10/2013: indemnity costs following solicitors' attempts to manipulate pre-action protocols.

**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** Lawtel 5/8/2010: 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.

**Sezer v Kaur and Admiral Insurance Services Ltd** Lawtel 17/11/2008: mitigation in credit hire claims.

**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.

**Harries v Summers** Lawtel 16/05/2007: appeal as to the correct approach to the summary assessment of costs.

**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

---

University of Newcastle upon Tyne:

MA (Twentieth Century Literature)

LLB (First Class Honours).

---

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 Memmorial 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

---

**Personal Injury Limitation Law**: 3rd Edition, Bloomsbury, 2013 (4<sup>th</sup> edition to be published in 2019).

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

He is currently in the process of co-authoring a book on asbestos litigation to be published in 2019.

## Memberships

---

Personal Injuries Bar Association

Professional Negligence Bar Association

Lincoln's Inn

Qualified Advocacy Trainer

## Outside Interests

---

Andrew is a keen sportsman, particularly enjoying rugby (Medicals RFC) and running. He has run 16 marathons and 1 ultra-marathon, raising money for Headway, Breast Cancer Research, CLIC Sergeant and Scope. He is a member of

# 12

King's Bench Walk

Putney Running Club.

His other interests include wildlife, literature and cinema.