

# 12

King's Bench Walk

## Andrew Roy

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### 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.

### Property Damage

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

### Directories

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*“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**

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**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

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University of Newcastle upon Tyne:

MA (Twentieth Century Literature)

LLB (First Class Honours).

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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 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

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**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

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Personal Injuries Bar Association

Professional Negligence Bar Association

Lincoln's Inn

Qualified Advocacy Trainer

## Outside Interests

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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

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Putney Running Club.

His other interests include wildlife, literature and cinema.