12
King's Bench Walk

Andrew Roy KC



Call: 2002
Silk: 2023

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AREAS OF EXPERTISE

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

JUDICAL APPOINTMENTS

Deputy Costs Judge of the Senior Courts (2021)

Andrew specialises in complex, sensitive and high value cases involving personal injury (especially catastrophic claims), costs, clinical negligence, industrial disease, professional negligence, limitation and related areas.

Andrew has a significant appellate practice up to and including the Supreme Court and Privy Council. He is head of the 12KBW Costs Team. He sits as a Deputy Costs Judge of the Senior Courts.

Andrew is recognised as a leading silk for Personal Injury and Costs by both Chambers & Partners and the Legal 500, having been ranked since 2009. They note that he has "*A razor-sharp intellect coupled with an encyclopaedic knowledge of the case law, who is able to combine both into dazzling and fearless advocacy*" and is *"a great choice of counsel when you know you have a fight on your hands*".

The directories further describe Andrew as "*a great strategist with an eye for the big picture at all times*", "*absolutely first class*", "*a ferocious advocate*", "*Exceptional"* with a "*phenomenal grasp of the law*" and "*an incredibly detailed knowledge of each area in which he specialises".*

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

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 as well as group actions/GLOs, including claims with a cross-border element. He has extensive experience in complex claims for psychiatric injury, in chronic pain cases and in 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", "*very *thorough, approachable and personable*", *"has great attention to detail and excellent analytical skills*" and who "*takes on complex cases and commits to them with energy and vigour* ". They note that "*Total mastery of the detail is the mark of his preparation.*"

Notable cases include ***Palmer v Timms***, ***Marsh v Ministry of Justice***, ***Flint v Tittensor***, ***Wembridge v Winter*** and ***Dawkins v Carnival plc*** (see **Interesting Cases** section for more details).

Costs & Litigation Funding

Andrew is a leading costs silk with noted expertise in contentious costs litigation, in particular with respect to QOCS, wasted costs, CFAs and fixed costs of all types.

He was appointed a Deputy Costs Judge in 2021.

His experience extends to group litigation (for example the Rugby League head injury litigation and the "Dieselgate" Emissions litigation), collective proceedings in the CAT (instructed by Amazon in respect of a claim against it and Apple) and cross-border costs issues (for example, instructed on behalf of the government of St Helena in respect of costs arising from a group clinical negligence action, and in the Privy Council). He frequently advises on retainer issues and wider policy points; for example he advised government on St Helena on legislation to control costs, enacted as the **Civil Litigation (Costs) Ordinance 2025**.

Andrew is often instructed to deal with important and difficult technical and procedural issues, especially on appeal. The Legal 500 describes him as "*One of the best silks at the Costs Bar", "A leading light on costs who gets terrific results, [who] has a total mastery of the rules and the case law*", "*absolutely first class on costs. His knowledge of the relevant caselaw is encyclopaedic and his written advocacy is second to none"* and a *"highly persuasive and a formidable advocate.*" As per Chambers & Partners, he is "*routinely called upon to advise clients on cost appeals and has significant experience of appearing before the Court of Appeal*", and "*particularly adept at handling CFAs and detailed assessments*", noting that "*His skeleton arguments are detailed and insightful, such that he's almost won the battle before he pitches up at court*"

The directories also note that Andrew "*Brings an impressive expertise to these cases and deals with them in a forensic and impressive manner. He gets outstanding results*.". They describe him as "*fiercely intelligent and constructs great skeleton arguments*", "*a ferocious advocate*", "*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*".

Andrew's reported costs cases include ***Ho v Adelekun (No. 2)***, ***Attersley v UK Insurance Ltd, Peters v Attorney General of St Helena***, ***Finsbury Food Group Plc v Dover***, ***Ho v Adelekun (No. 1), NJL v PTE*** and ***Page v RGC Restaurants Ltd*** (see **Interesting Cases** section for more details).

Clinical Negligence

Andrew's clinical negligence experience encompasses all aspects of medical negligence, in particular claims arising out of missed/delayed diagnoses and those involving complex causation and quantum issues. He also deals with claims against other healthcare professionals. He is often brought into particularly challenging cases at crucial junctures.

Recent cases include claims arising out of the Cheltenham Baby Unit scandal, a £22 million cerebral palsy claim consequential to a negligent cochlear implant procedure, £4.3 million fatal claim arising of a delayed cancer diagnosis, an amputation claim arising from untreated diabetes, and a delayed DVT diagnosis claim involving provisional damages for unquantifiable but potentially catastrophic future risks.

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 a contributor to ***Asbestos: Law & Litigation***, Sweet & Maxwell (2022).

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*** (see **Interesting Cases** section for more details).

Professional Negligence

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 in this area given the high incidence of complaints of professional negligence generated by or linked to costs disputes. His limitation expertise is likewise highly beneficial given the number of professional negligence claims containing and arising out of limitation and related issues.

Limitation

Andrew has a special interest and particular expertise in all aspects of limitation law, including the related area of service disputes. Chambers & Partners notes that he "*brings an impressive grasp of limitation law to personal injury claims*".

Andew 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 (2022).

He has appeared in several notable limitation cases; ***Aktas v Adepta***, ***Young v Western Power Distribution (South West) Limited*** and ***Jones v Norfolk CC*** (see **Interesting Cases** section for more details).

Fraud

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

Recent examples include: having a substantial injury claim struck out before trial on the basis of a false work history, a complex multi-million pound functional neurological disorder claim with allegations of malingering and the successful settlement a substantial spinal injury claim in the face of allegations of fundamental dishonesty.

Police Claims

Andrew is regularly instructed by the Police Federation and has extensive expertise in all type of claims involving and against the police, including several successful appearances in the Court of Appeal. He has notable experience in the quantification of claims by injured police officers.

Recent examples include: a multi-million pound amputation claim for an officer injured in the line of duty during a hit and run, a successful claim by a marine unit officer injured in a jet ski accident and a successful claim by an officer who suffered severe injuries when savaged by a police dog.

Andrew's 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*** (see **Interesting Cases** section for more details).

Insurance

Andrew regularly deals with insurance related disputes.

Recent examples include: whether a Jersey motor policy responded when a car was used to fell a tree in a private garden causing catastrophic injury, the scope of a public liability policy in respect of a catastrophic construction site accident and coverage issues arising out of a car fire which caused the evacuation of a shopping centre.

Group Litigation

Andrew is instructed in group litigation/GLO claims within his core areas of practice.

Recent examples include litigation involving over 1,700 claims arising out of a devasting flood in Malawi, and multiple claims arising out of sexual abuse at a school in Merseyside.

Public Authority Liability

Andrew is frequently instructed to act for and against public authorities within his core areas of practice.

Recent examples include a successful claim against a local authority arising out of a fatal paddleboard accident in Wales, a claim arising out of serious assault at a care home and a successful claim by ambulance worker who suffered a career ending psychiatric injury in the Hillsborough disaster.

His notable cases in this area include ***Wembridge v Winter***, ***Marsh v Ministry of Justice*** and ***Durrant v Thames Water Utilities Ltd*** [2010] 8 WLUK 59 (see **Interesting Cases** section for more details).

Sexual Abuse

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

Recent examples include: claim arising out of sexual abuse by a football coach in Newcastle, multiple claims arising out sexual abuse at a school in Merseyside and multiple claims of sexual, financial and other abuse by a spiritual guru.

Product Liability

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

Examples include a claim for brain and spinal injury arising out of defective scaffold board, a claim in respect of a fire due to a defective heater and claims arising out defective breast implants.

International & Travel

Andrew accepts instructions in cases with an international element. His previous cases in this area include ***Dawkins v Carnival plc***, ***X v Kuoni Travel Ltd*** and a novel claim arising out of asbestos exposure in South Africa (see **Interesting Cases** section for more details). He is currently instructed in litigation involving over 1,700 claims arising out of a devasting flood in Malawi.

Directories

"He is analytical, precise and always very well prepared." (Legal 500 2026)

"One of the best silks at the Costs Bar. He is diligent. Incisive and not afraid to take bold points." (Legal 500 2026)

"An excellent costs KC, who gives good advice and delivers results." (Chambers & Partners 2026)

"In court he is quite outstanding, a dogged and pugnacious performer." – (Chambers & Partners, 2025)

"He has an encyclopedic knowledge and the ability to digest and advise upon significant volumes of documents very efficiently. – (Chambers & Partners, 2025)

"Andrew has an encyclopedic knowledge of costs and 'on the ground' experience from his judicial role." (Chambers & Partners 2025)

"Phenomenal grasp of the law, substantive and procedural. He has an incredibly detailed knowledge of each area in which he specializes." (Legal 500, 2025)

"Andrew is absolutely first class on costs. His knowledge of the relevant caselaw is encyclopaedic and his written advocacy is second to none." (Legal 500, 2025)

"He is a ferocious advocate in court." (Chambers & Partners 2024)

"*He is incredibly bright and tenacious – an excellent choice of counsel.*" (Chambers & Partners 2024)

"*Andrew Roy is fiercely intelligent and constructs great skeleton arguments*" (Chambers & Partners 2024)

"*Andrew Roy is committed to each case like no other and delivers firm, sensible advice at any juncture.*" (Chambers & Partners 2024)

"*Encyclopaedic knowledge of costs principles and case law; Andrew is highly persuasive and a formidable advocate.*" (Legal 500 2024)

"*A leading light on costs who gets terrific results, he has a total mastery of the rules and the case law."* (Legal 500 2023)

"*First-rate … Total mastery of the detail is the mark of his preparation."* (Legal 500 2023)

"*He has a great ability to distil the most complex legal arguments*." (Chambers & Partners 2023)

"*Andrew impresses with his robust advocacy, commercial acumen, and speed of delivery of well-thought-out and astute advice*." (Chambers & Partners 2023)

"*A razor-sharp intellect coupled with an encyclopaedic knowledge of the case law, who is able to combine both into dazzling and fearless advocacy.*" (Legal 500 2022)

"*Brings an impressive expertise to these cases and deals with them in a forensic and impressive manner. He gets outstanding results*." (Chambers & Partners 2022)

"*He is very thorough, approachable and personable. He has great attention to detail and excellent analytical skills.*" (Chambers & Partners 2022)

"*Exceptional – he is straight to the point, technical and an all-round great barrister*." (Chambers & Partners 2022)

"*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)

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

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

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

Interesting Cases

Attersley v UK Insurance Ltd [2026] EWCA Civ 217; significant Court of Appeal decision on the interaction between

Part 36 and fixed costs

Charlton and Prudence v Gloucestershire Hospitals NHS Foundation Trust [2026] EWHC 96 (KB) – summary judgment appeal in crossover clinical negligence/personal injury claims

Pan-NOx Emissions Group Litigation [2025] EWHC 3116 (KB) and [2025] EWHC 3198 (KB) – disclosure in respect of security for costs

McNamee v London Borough of Brentford [2025] EWHC 2612 (SCCO); displacement of privilege and disallowance for misconduct in respect of an inflated without prejudice costs statement

Peters v Attorney General of St Helena (Costs) [2025] SHSC 525; the applicability of UK costs rates in St Helana

Attersley v UK Insurance Ltd [2025] EWHC 884 (KB); appeal on the interplay of fixed costs and Part 36.

Ruhumatally v The State and another (Mauritius) (2025); Privy Council decision on the application of UK law on CFAs to Commonwealth countries.

Palmer v Timms [2024] EWHC 2292; liability in a fatal road traffic accident.

Hussein v Secretary of State for the Home Department (2024); Supreme Court assessment determining (1) the impact of the Supreme Court practice direction on counsel's fees; (2) the impact of legal aid funding on the cost recoverable between parties; (3) remote working and hourly rates.

Zanatta v Metroline Travel Ltd [2023] EWCA Civ 224; [2023] RTR 26 – appeal as to bus driver's duty of care to a pedestrian.

Mathieu v Hinds (No. 2: Costs) [2022] EWHC 1624 (QB); appropriate costs order where an injured artist who claimed over £33M recovered a little over £3M. The first reported judgment to consider the efficacy of a full and final offer where a claimant obtains provisional damages.

Mathieu v Hinds (Rev 1) [2022] EWHC 924 (QB); PIQR Q4 brain injury claim by an artist for £33 million, giving rise to important, legally complex and novel points as to foreign tax on loss of earnings and provisional damages for epilepsy (instructed on appeal).

Ho v Adelekun (No. 2) [2021] UKSC 43; [2021] 1 WLR 5132; landmark Supreme Court appeal on the QOCS and set off which prompted a radical revision of the QOCS rules.

X v Kuoni Travel Ltd [2021] UKSC 34; [2021] 1 WLR 3910; instructed on costs following the Supreme Court's judgment on a claim brought under the 1992 Package Travel Regulations for sexual assaults committed by a hotel employee in Sri Lanka.

Green v Generali FA and Kimmins [2021] 11 WLUK 393; novel and important point regarding the apportionment of costs in overlapping claims.

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

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.

Ho v Adelekun (No. 1) [2019] EWCA Civ 1988; [2019] Costs LR 1963; important appeal on the application of the fixed

costs regime.

Higgins & Co Lawyers Ltd v Evans [2019] EWHC 2809 (QB); [2020] 1 WLR 141; 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.

XY v Ingenious Media Holdings Ltd [2018] EWHC 350 (QB) Occupational stress claim 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.

Flint v (1) Tittensor (2) MIB [2015] EWHC 466 (QB) [2015] 1 W.L.R. 4370; 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] 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: leading case on the interaction of the Limitation Act, service rules and abuse of process.

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.IQ.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

Newcastle University:

LLB (First Class Honours)

MA (Twentieth Century Literature)

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

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

Asbestos: Law & Litigation (contributor) Sweet & Maxwell (2022)

He has published numerous articles in various legal journals.

Appointments & Memberships

- Deputy Costs Judge of the Senior Courts
- Qualified Advocacy Trainer
- Head of 12KBW costs team
- Member of Lincoln's Inn, the Personal Injuries Bar Association, the Professional Negligence Bar Association, Action against Medical Accidents, the Association of Costs Lawyers and the London Common Law and Commercial Bar Association.

Outside Interests

Andrew is a keen runner. He is a member of Putney Running Club. He has run 32 marathons (including all the World Majors, gaining admission to the Six Star Finishers Hall of Fame), raising money for Headway, the RFU Injured Players Foundation, Breast Cancer Research, CLIC Sargant and Scope.

He is also an avid follower of (and occasional participant in) other sports. He is a passionate rugby supporter and a member of Medicals RFC and Rosslyn Park FC. His other interests include wildlife and literature.