

## 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."*

Andrew is Head of Pupillage at 12KBW.

### Product Liability

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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.

### Interesting Cases

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

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

**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 Adekun (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 Adekun (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.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 (2022)

He has published numerous articles in various legal journals.

## Appointments & Memberships

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

## Outside Interests

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Andrew is a keen runner. He is a member of Putney Running Club. He has completed 29 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 Sargent 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.