



Andrew Granville Stafford – Barrister

Called 1987

Profile

Andrew specialises in civil litigation and has over thirty years' experience advising and representing clients in courts and tribunals at all levels up to the Supreme Court. Since 2014 he has been Head of Civil Litigation at 4KBW, having previously been Chambers' Manager from 1999 to 2001.

Andrew practises in the following areas: Contract, Commercial and Tort; Property (including Landlord and Tenant); Personal Injury; Professional Discipline and Regulation; and Costs.

In October 2014 he became the first member of 4KBW to be elected to the Bar Council. He is a long-serving member of the Bar Council's Ethics Committee, having previously also been on its Training for the Bar, Legal Services and Access to the Bar Committees. He has written or contributed to over a dozen guidance papers published on the Bar Council's Ethics Hub.

In January 2011 Andrew was appointed one of only three Bar Standards Board approved providers of public access training for barristers. His other appointments include Legally Qualified Chair of the Taxation Disciplinary Board, Independent Assessor for the Institute and Faculty of Actuaries, Legal Assessor to the ICAEW, NMC, GOSC, GCC and GPhC, and Legal Adviser to the ACCA and GDC.

Andrew read law at Cambridge and graduated from Bar School in 1987 in the top 10% of his year. As a student he won the Gray's Inn Debating Trophy and represented the Inn on its Mooting Tour of North American universities. During pupillage at 4KBW he worked for the Court of Appeal as an external summary writer.

Andrew is one of a small number of barristers authorised by the Bar Council to conduct litigation.

Notable cases:

- **Orji v Nagra** [2023] EWCA Civ 1289: Success in the Court of Appeal overturning Henderson v Henderson abuse finding.
- **Met Police v Thomas and Others** [2023]: High profile Police 'WhatsApp' group misconduct case
- **Aldred v Cham** [2019] EWCA Civ 1780, [2020] 1 WLR 1276: Leading Court of Appeal decision on fixed costs and recoverability of disbursements



- **Harris v Browne** [2019] HHJ Davey QC: Reported in the Law Society Gazette under headline 'A more lenient take on mistake'
- **Thinc Group plc v Armstrong** [2012] EWCA Civ 1227; [2012] All ER (D) 17: Court of Appeal contract case, instructed by successful respondents - described by Employment Law Blog as a rare victory for the collateral warranty
- **Re H** (2012) QBD, Royce J: £2.6m settlement in infant brain injury claim
- **Hennessy v Coupland** (2012) QBD, Cox J: £2.8m damages for injured motorcyclist
- **Ace Consultancy v Akins** [2011] EWCA Civ 957: Costs appeal
- **Loveridge v Healey** [2004] C.P. Rep. 30 (CA (Civ Div)), Times 27.2.04: Court of Appeal authority on the effect of admission in pleadings
- **Pratt v Smith** (2005) 2 QR 5, QBD: Successfully represented the Claimant in contested £1.1m damages claim
- **James v First Bristol Buses Ltd** [2003] CLY: Civil procedure
- **Spilsbury v Martin International Holdings plc** [2002] CLY: Costs and Pt 36 offers
- **Nanglegan v Royal Free Hampstead NHS Trust** [2001] 3 All ER 793, [2002] 1 WLR 1043: Court of Appeal authority on service of claims
- **Cawston v Chartered Trust plc** (2000) CLY: Fraud not rendering hire purchase contract void ab initio
- **Clift v Welsh Office** [1998] 4 All ER 852, [1999] 1 WLR 796: Acted for successful Claimants in a Court of Appeal test case on property damage compensation, described by The Times as a victory for David over Goliath
- **R v Denslow** [1998] Crim L R 566: Court of Appeal authority on the definition of possession

Contract, Commercial and Tort

Andrew has a long-established practice in actions involving claims based on contract or breach of duty. He acts for individuals, corporate clients, SMEs, partnerships and NGOs in actions which frequently involve complex issues of fact and law. A highly effective cross-examiner, his approach to cases is intellectual and thorough. He has over thirty years' experience of advising and representing clients in



contested cases in courts and tribunals as well as at mediations and in other forms of ADR. He was co-author of the Bar Council's Licensed Access Terms of Work.

Andrew accepts instructions in the following areas:

- Contract
- Commercial and company disputes
- Costs
- Civil liability
- Partnership actions
- Negligence including professional negligence
- Fraud and misrepresentation
- Insurance
- Statutory duties
- Local government and public authority
- Consumer actions

Recent cases

Enforcement of personal guarantee – Misrepresentation claims (investment advice; goods not conforming to contract; sale of goodwill) – Breach of loan agreement/Quistclose trust - Insurance contracts (third party rights; construction of clause) – Breach of warranty in £50m SPA - Contract cancellation and validity of penalty clause – Ex parte injunctions (freezing order; enforcing restrictive covenant) - Carriage of goods & CMR – Solar panel mis-selling claims – Conflict of laws and choice of jurisdiction clause – Consumer rights actions (UTCCR; Sale of Goods Act; CRA 2015; consumer credit) - Professional negligence claims (solicitor; accountant; dentist) - Partnership disputes (breach of merger agreement; breach of fiduciary duty; enforcement of 'bad leaver' clause) – Passing off letter before action - Mobile Homes Act enforcement claim – Breach of trust claim against professional trustees – Drafting template services supply contract – Consumer Contract Regulations actions (setting aside building contract; setting aside hire contract) - Procedural (pre-action discovery; summary judgment; appeal against striking out order; CCMCs; interim applications; security for costs; charging order; orders for sale) - Costs (costs budgeting; summary assessments; detailed assessments)

Property

Andrew has a broad range of experience in property disputes and acts for clients in litigation and alternative dispute resolution in this field. He has a track record of providing clear and practical advice in cases involving complex factual or legal issues. A highly effective advocate, Andrew always strives to achieve the best results for his clients.



Andrew accepts instructions in all areas of real property law and in commercial or residential landlord and tenant disputes including:

- Easements, restrictive covenants and proprietary estoppel
- Boundary disputes
- Breaches of lease or tenancy agreement
- Forfeiture
- Possession actions
- Service charge disputes
- Business tenancies
- Tenancies under the Rent Acts and Housing Acts
- Trusts of land and beneficial ownership
- Mortgage actions
- Leasehold enfranchisement and RTM
- Dilapidations
- Housing disrepair and defective premises
- Building disputes
- Nuisance and negligence claims

Recent cases

Nuisance claims (against local authority; against neighbouring leaseholder for water damage) – Charging Order – Orders for Sale (opposed on grounds of legal not beneficial owner; reasonable need; opposition by spouse/family) – Boundary disputes (encroachment by neighbouring developer; disputed boundary line; private landowner vs. highway authority; dispute following separation of registered title; rectification of title; adverse possession claim) – Non-domestic rate dispute – Council Tax appeal – Business rates liability order review - Breach of warranty as to condition – Opinion for French authorities on effect of UK transfer deed

Landlord and Tenant (residential): Drafting Section 8 notice and possession proceedings – Unlawful eviction and harassment trial – Service charge disputes (unfair apportionment; common areas; unreasonable charges; charge not in accordance with lease; excessive management fees) – Section 21 Notice - Tenancy deposit s214 Housing Act claims - First Tier Tribunal Property Chamber (enforcement of award; appeal from decision by FTT; breach of tenant's non-alteration covenant) – Housing Act 1985 (false statement to induce tenancy; transfer of secure tenancy; possession claim on grounds of criminal conviction/Article 8 defence) – Housing condition, disrepair & Defective Premises Act claims (damp; pre-existing condition; asbestos; failure to repair; etc) – Advice on lease extension – Breach of contract by landlord's agent

Landlord and Tenant (commercial): 1954 L&T Act (contested lease renewal; compensation for improvements; claim for security of tenure) – Breach of tenant's covenant by structural alteration – Rent review – Dilapidations claims (breach of repairing covenant; terminal dilapidations) – Drafting s146 notice – Enforcing ownership agreement in respect of business premises – Exercise of break clause – Covid arrears claims – Drafting template letting agreement for commercial landlord



Construction: Claims against builders and contractors (defective extension; defective roof and groundworks; workmanship of tradesman; internal alterations; disputed additional; whether contract repudiated by builder) - Enforcement of arbitrator's award in TCC – JCT contract claim - Staged payments dispute

Personal Injury

Andrew has over thirty years' experience acting for claimants and defendants in personal injury actions. His thoroughness of preparation and eye for detail is matched by his approachable and friendly manner. He is a formidable advocate who is always prepared to go the extra mile for his client. He specialises in actions where there are complex issues of law or fact or disputed expert evidence. Detailed Schedules of Loss, Counter Schedules and calculations of future loss claims are a speciality. Andrew has a particular interest in claims where dishonesty or exaggeration is alleged and he chaired the Central Law Training conferences on Fraudulent PI Claims in 2011 and 2012. He has lectured on a number of aspects of personal injury law and has written for PI Brief Update Law Journal. He is a member of the Personal Injuries Bar Association (PIBA).

Andrew accepts instructions to advise and represent clients in all aspects of personal injury work including:

- High Court and county court actions
- RTA claims
- Accidents at work
- Public liability
- Clinical Negligence
- Fatal accidents and dependency claims
- Coroner's Inquests
- Occupiers' Liability
- Assault and abuse
- Criminal Injuries Compensation
- Costs budgeting and detailed assessment

Recent cases

RTA: Periodical payments award approved for brain injured infant - £800,000 settlement for injured moped rider - Fatal Accident claims (under FAA 1976 and LRA 1934 on behalf of: dependent husband and daughters; dependent wife and children; dependent spouse; dependent parents) – Causation (psychological sequelae; fibromyalgia and CRPS) – Liability disputes (accidents at roundabout/traffic lights/T-junction/overtaking/motorbike versus car) – Contempt of court action for fraudulent statement of truth on Part 18 replies – Section 51 RTA claim against insurer – Credit hire claims – Roberts v Johnstone claims – Automatism due to epilepsy defence



EL and PL: £1.05m claim for traumatic amputation in gas explosion - £300,000 settlement for pupil injured on school activity — Clinical negligence claim against NHS trust following jaw surgery – Defective product claim against large retailer – Defective work equipment claim against Post Office - Industrial injuries (Manual Handling Regs; Work at Height Regs; VWF; industrial deafness; work related stress) – Claim against insurer under Contract (Rights of Third Parties) Act – Occupiers’ Liability actions (school premises; public house; nightclub) – Animals Act claims (horse bite; escaped horses on highway) – Historic sexual abuse by relative – Highways Act actions (pothole; defective paving; icy road) – Holiday claim against tour operator

Inquests: Car versus motorbike fatal collision – infant death in hospital – multiple car motorway accident allegedly caused by defective engineering

Practice and Procedure: QOCS and fundamental dishonesty – Costs budgeting and CCMCs – Costs (detailed assessments; fixed recoverable costs; application of *Qader v Esure*) – Court of Appeal decision on recoverability of Counsel’s fees in fixed costs case - Substitution of experts – Limitation periods and Section 33 applications for extension- Contested interim payment application – Enforceability of pre-2013 CFA – Permission to change experts – Overturning normal costs consequences of Part 36 on grounds of ‘unjust’

Notable cases and reported decisions

- ***Aldred v Cham*** [2019] EWCA Civ 1780, [2020] 1 WLR 1276: Leading Court of Appeal decision on fixed costs and recoverability of disbursements in ex-Portal claims
- ***Harris v Browne*** [2019] HHJ Davey QC: Successfully represented Claimant on appeal against finding that they had accepted a Portal offer - reported in the Law Society Gazette under headline ‘A more lenient take on mistake’
- ***Re H*** (2012) QBD, Royce J: £2.6m settlement in infant brain injury claim
- ***Hennessy v Coupland*** (2012) QBD, Cox J: £2.8m damages for injured motorcyclist
- ***Pratt v Smith*** (2005) 2 QR 5, QBD: Successfully represented the Claimant in contested £1.1m damages claim
- ***James v First Bristol Buses Ltd*** [2003] CLY: Civil procedure
- ***Spilsbury v Martin International Holdings plc*** [2002] CLY: Costs and Pt 36 offers
- ***Nangleman v Royal Free Hampstead NHS Trust*** [2001] 3 All ER 793, [2002] 1 WLR 1043: Court of Appeal authority on service of claim form in PI case

Professional Discipline and Regulation

Andrew has substantial experience in disciplinary and regulatory cases including hearings before professional disciplinary and conduct tribunals, health and fitness to practise committees.

He advises and represents professionals faced with disciplinary or regulatory proceedings. Andrew has a particular interest in cases involving allegations of dishonesty/lack of integrity, misconduct and lack



of competence or deficient performance. He acts for clients whose practice is alleged to be impaired on health grounds. He has written articles on disciplinary law for Lexology and the Association of Regulatory and Disciplinary Lawyers ('ARDL') Bulletin. He is a Member of ARDL.

Andrew accepts instructions from Doctors (GMC/MPTS), Opticians (GOC), Accountants and Auditors (CIMA, CIPFA), Barristers (BSB/BTAS), Solicitors (SDT), Police (Police Misconduct Hearings and Police Appeals Tribunal), Surveyors (RICS), Vets (RCVS), Architects (ARB), Health Care Professionals (HCPC), Social Workers (SWE), Teachers (TRA) and in other statutory and non-statutory tribunals including FRC, NHS, sporting tribunals, internal inquiries and investigations.

Andrew has over ten years' experience sitting as a Legal Assessor and Legal Adviser to healthcare and professional regulators. His appointments are:

- Legally Qualified Chair of the Taxation Disciplinary Tribunal (TDB)
- Legal Adviser to the Professional Conduct Committee, Health Committee and Professional Performance Committee of the General Dental Council (GDC)
- Legal Assessor to the Practice Committees of the Nursing and Midwifery Council (NMC)
- Legal Assessor to the Disciplinary Committee, Fitness Committee and Review Committee of the Institute of Chartered Accountants (ICAEW)
- Legal Adviser to the Disciplinary Committee, Appeal Committee, Interim Orders Committee and Admissions & Licensing Committee of the Association of Chartered Certified Accountants (ACCA)
- Legal Assessor to the statutory committees of the General Osteopathic Council (GosC) and the General Chiropractic Council (GCC)
- Legal Assessor for the General Pharmaceutical Council (GPhC)
- Legal Assessor for the Institute of Financial Accountants (IFA)
- Independent Assessor for the Institute and Faculty of Actuaries (IFoA)

Costs

Andrew accepts instructions in all aspects of costs litigation, including detailed assessments, drafting points of dispute and replies, costs budgeting/CCMCs, solicitor and own client recovery and fixed costs disputes. As a Member of the Bar Council's Legal Services Committee and its Ethics Committee, Andrew has been involved in policy matters relating to costs and remuneration, including being part of the Bar Council team that drafted its response to the 2022 Civil Justice Council Working Group



Consultation on Civil Costs. He authored the Bar Council's guidance paper on CFAs and DBAs in Public Access Cases and reviews the guidance on Counsel's Fee Notes and Records, both available on the Bar Council's Ethics Hub.

Recent cases

QOCS (fundamental dishonesty; application of *Cartwright v Venduct*) - Fixed costs (application of *Qader v Esure*) – *Aldred v Cham* (acting for Claimant in leading Court of Appeal decision on fixed costs and disbursements) – *Harris v Browne* (successful appeal for Claimant, reported in the Law Gazette as 'A more lenient take on mistake') - Enforceability of pre-2013 CFA –Solicitor and own client (Solicitors Act assessments; challenges to bill; right to own client assessment) – SCCO hearings – Litigant-in-person claim for enhanced hourly rate – 'Unjust' argument following late acceptance of Part 36 offer – Drafting template CFA/DBA for solicitors' firm

Appointments

- Head of 4KBW's Civil Team
- Elected member of the Bar Council (2014 to 2022)
- Chair of the Taxation Board Disciplinary Tribunal
- Independent Assessor for the Institute and Faculty of Actuaries
- Legal Assessor: GCC, NMC, ICAEW, GOsC, IFA, GPhC
- Legal Adviser: ACCA, GDC
- Member, Bar Council's Ethics Committee
- Former member of Bar Council's Legal Services Committee, Access to the Bar Committee and Training for the Bar Committee
- Chair, Bar Council's Direct Access Panel (2019 to 2022)
- Chair, Public Access Bar Association (2013 to 2018)
- BSB approved public access trainer (appointed 2011)
- Pupil Supervisor
- Court of Appeal Summary Writer (1987-90)

Testimonials

"It is a joy to instruct counsel of the calibre of Mr Granville Stafford. In particular his aptitude in handling the difficult issues in the case was exemplary" MC, Solicitor



"Andrew is a great 'all round' barrister. He is the first person I think of when I have something new which I know is going to need delving into from first principles. He likes a challenge: I have given him a few over the years. His pleading and advocacy skills are excellent. He is a great one to chew over legal problems with." AW, Solicitor, Senior Partner

"THATS FANTASTIC ANDREW, absolute GENIUS work on your behalf.....and not without belief in your skills on my part! Enjoy the rest of your break in the sure knowledge that you have dissipated one big cloud on the horizon!!" JS, Company Director

"I found his knowledge and expertise in property law and litigation along with his consummate negotiation skills to be a hugely effective combination. Andrew is a likeable and genial individual who communicated with me in a very thoughtful, kind and clear way throughout. This personal touch was hugely reassuring during a very stressful period in my life." JK, Leaseholder

"Thank you does not express the deep gratitude that I feel for all that you have done for me" EP, Solicitor

"I guess your performance did the trick!!! THANK YOU, THANK YOU, THANK YOU. From one very happy man." DW, Nightclub Owner

"Having worked with Andrew for over 20 years he is always my first "go to" person in respect of any technical contractual point and/or insurance indemnity problem. His no nonsense and straight forward approach to what can sometimes be complex problems is refreshing and reassuring." AO, Regional Manager, Solicitor's Firm

"I was required to take legal action against a person who bought my business. Andrew acted on my behalf and we were successful. Having no previous experience of the legal system, it was great comfort to me to know that I was in very capable hands." MDK, Business Proprietor

"I found Andrew's service to be well thought through, insightful and highly efficient. He's a real talent in his law specialism." SG, Musician, Author & Broadcaster

"A note of sincere thanks for all your hard work last April ... The plans which we had for the last four/five years have now come to fruition . . ." P & GH, Retired

"Your recommendations regarding [the matter] were adopted and have proved to be very satisfactory . . . The committee was grateful for your help." JWS, Charity Trustee

Qualifications

MA in Law, Cambridge University 1985

Called to the Bar by Gray's Inn 1987