



## Andrew Granville Stafford

### Barrister

### Called 1987

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#### Practice areas

- Contract and Commercial
- Tort, Negligence, Breach of duty
- Property, Landlord and Tenant
- Costs
- Disciplinary and Regulatory Tribunals

#### Qualifications

MA in Law, Cambridge University 1985  
Called to the Bar by Gray's Inn 1987

#### Appointments

Head of 4KBW's Civil Team  
Elected member of the Bar Council  
Legal Assessor: GCC, NMC, ICAEW  
Legal Adviser: ACCA, GDC  
Member, Bar Council's Ethics Committee and  
Legal Services Committee  
Head, Bar Council's Direct Access Panel  
Chairman, Public Access Bar Association (2013-  
18)  
BSB approved public access trainer  
Pupil Supervisor  
Court of Appeal Summary Writer (1987-90)

#### Profile

I specialise in civil litigation and have thirty years' experience advising and representing clients in Courts and Tribunals in England and Wales. Since 2014 I have been Head of the Civil Team at 4KBW, having previously been Chambers' Manager (1999 to 2001).

I practise in the following areas (for more details click on the links):

[Contract, commercial and tort](#)

[Property, landlord and tenant](#)

[Personal injury](#)

[Professional discipline and regulatory](#)

In October 2014 I became a member of the Bar Council, the governing body for Barristers in England and Wales, and am the first member of 4KBW to have been elected to this post.

I have lectured and given seminars on a variety of legal topics and provided in-house training for solicitors firms (Irwin Mitchell, Morgan Cole, Kidd Rapinet) and external training providers (HJT Training, Lexis Nexis, Central Law Training Ltd). I have written articles for PI Brief Update Law Journal, Lexology and the ARDL Bulletin and have been a guest speaker at the last three Annual Bar Conferences.

In January 2011 I was appointed one of only three providers approved by the Bar Standards Board to provide public access training and qualification to do public access work.

I am a member of the Bar Council's Ethics Committee, having previously served on its Training for the Bar Committee, which reviews the qualification and training requirements for entrants to the profession. I have written or contributed to nearly a dozen Bar Council papers which are used daily by members of the Bar for ethical and professional guidance.

I read law at Cambridge and graduated from Bar School in 1987 in the top 10% of my year. As a student I won the Gray's Inn Debating Trophy and represented the Inn on its Mooting Tour of North American universities. During my pupillage at 4KBW I also worked for the Court of Appeal as an external summary writer, preparing summaries for judges hearing criminal appeals.

I am one of a small group of barristers authorised by the Bar Council to conduct litigation.

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## 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

## Reported cases

***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)

*"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

**Pratt v Smith** (2005) 2 QR 5, QBD  
(successfully represented the Claimant in a £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, Times CA (leading 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, Times 24.8.98, CA (acted for the successful Claimants in a Court of Appeal test case on property damage compensation, described by The Times as a landmark ruling)

**R v Denslow** [1998] Crim L R 566, CA  
(definition of possession)

### **Contact Details**

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### 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 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 thirty years' experience of advising and representing clients in courts, tribunals, mediations and other forms of ADR.

Andrew accepts instructions in the following areas:

- Contract
- Commercial and company disputes
- 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 – 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 agreement claim - Procedural (pre-action discovery, summary judgment, CCMCs, interim applications, charging order, orders for sale) - Costs (costs budgeting, summary assessments, detailed assessments)



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### 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 disputes
- Leasehold enfranchisement and RTM
- Dilapidations
- Disrepair and defective premises
- Development and construction 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) – Non-domestic rate dispute – Council Tax appeal – 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 and Housing Act 2004/Tenancy Deposit Scheme - 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) – Disrepair & Defective Premises Act claims (damp; pre-existing condition; asbestos) – Advice on lease extension

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

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



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### Personal Injury

Andrew has 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 and disputed expert evidence. Detailed Schedule 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
- 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) – Causation (psychological sequelae; fibromyalgia and CPRS) – Liability disputes (accidents at roundabout/traffic lights/T-junction/overtaking) – 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) – Holiday claim against tour operator

Practice and Procedure: QOCS and fundamental dishonesty – Costs budgeting and CCMCs – Costs (detailed assessments; fixed recoverable costs; application of *Qader v Esure*) – Substitution of experts – Limitation periods and Section 33 applications for extension – Enforceability of pre-2013 CFA – Permission to change experts



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### Professional Discipline and Regulatory

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, misconduct and lack of competence/deficient performance. He has written articles on disciplinary law for Lexology and the Association of Regulatory and Disciplinary Lawyers Bulletin.

Andrew accepts instructions from Doctors (GDC/MPTS), Pharmacists (GPhC), Opticians (GOC), Accountants and Auditor (CIMA, CIPFA, AAT, TDB), Barristers (BSB/BTAS), Solicitors (SDT), Police (PAT), Surveyors (RICS), Vets (RCVS), Architects (ARB), Health, Psychological and Social Work Professionals (HCPC) and other statutory and non-statutory tribunals including FSA, NHS, sporting tribunals, internal inquiries and investigations.

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

Legal Adviser to the and Professional Conduct Committee, Health Committee and Professional Performance Committee of the General Dental Council (GDC)

Legal Assessor to the Fitness to Practise Committee, Investigation Committee and the Registration Appeals Panel of the Nursing and Midwifery Council (NMC)

Legal Assessor to the Disciplinary 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 Investigation Committee of the General Chiropractic Council (GCC)

Legal Assessor to the Professional Conduct Committee of the General Osteopathic Council (GosC)

Member of the Association of Regulatory and Disciplinary Lawyers (ARDL)