

Tanfield Chambers

Andrew Butler

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Areas of Practice

Business & Commercial
Property
Public Access

Career

1993 Called to the Bar
1995 Joined Tanfield Chambers (then 2nd Floor Francis Taylor Building)

Profile

Andrew is Head of the Business & Commercial Group at Tanfield Chambers.

Andrew's practice incorporates aspects of both Chambers' property and commercial work. Originally a property practitioner, he has successfully expanded his practice into matters of a more general commercial nature, in particular property-related insurance and professional negligence disputes.

He has acted in the latter context for and against brokers, solicitors, architects and other professionals in the Commercial Court and Technology and Construction Court. Other areas of his work include franchising, insolvency and construction. He has recently appeared in judicial review proceedings against Transport for London and the Public Carriage Office.

Andrew also has a niche expertise in questions relating to the service of process, having been involved in two recently reported cases on the topic (see *Marshall* and *Hart* under Significant Cases).

Andrew is also a highly experienced mediation advocate and is himself an accredited mediator.

Experience

Property

Andrew has experience of a broad range of property work including residential and commercial landlord and tenant, disrepair, rights of way, and boundaries and easements.

He has appeared in the Court of Appeal on matters as diverse as disrepair (**Hawkins**), consent to alterations (**Iqbal**), and post - insolvency charging orders (**Coutts**) - see the "Significant Cases" section of his profile.

Recent County Court experience includes cases on encroachment, architect's/builder's negligence, and a successful appeal against a mortgagee's repossession of a portfolio of London properties. He has also acted extensively for both vendors and purchasers in claims arising out of failed conveyances, particularly off-plan transactions, during the recent recession.

Business & Commercial

Andrew's experience in the commercial context extends both to Commercial and Mercantile Court matters (e.g. **Kyle Bay**, (see significant Cases), **Gaughan v McDonagh** [2005] EWHC 739, **Facta v Prew-Smith** [2006] EWHC 730), Technology and Construction Court cases (**Jacobs, Amsalem**, Significant Cases), and also Chancery/Commercial work (e.g. **Jafari-Fini v Skillglass PLC** [2007] EWCA Civ 261).

He has extensive experience of claims arising from damage to property, including insurance disputes and professional negligence actions against solicitors, insurance brokers, and construction professionals. Also in the professional negligence context, he has recently appeared in a strike-out application in a £1.2m claim against an insolvency practitioner.

Recent advisory work includes a £3.1m contractual dispute between two telecommunications companies. Andrew also has conduct of a £1.4m TCC claim for flood damage against Thames Water, and a claim against insurers and engineers in the context of a substantial residential property in Surrey.

Significant Cases

Griffin v UHY Hacker Young [2010] PNLR 20 - application to strike out professional negligence claim on basis of *ex turpi causa*

Jacobs v Crammond Browne [2008] EWHC 3517 (TCC) - Claim in negligence against architect responsible for defective extension to residential property.

Amsalem v Raivid [2008] EWHC 3028 (TCC)

Claim brought by builder against householder for contract sum/quantum meruit

Hawkins v Woodhall [2008], EWCA Civ 932

Overturing County Court Judge's award of damages for disrepair against previously unrepresented litigant

R (on the application of Eco-Power Ltd.) v Transport for London and another [2008] Env LR 44 (Admin Ct.)

Judicial review of decision of Public Carriage Office regarding exhaust systems for London taxis

Kyle Bay v Various Underwriters [2007] 1 CLC 164, Times Newspapers 29.05.2006

Whether compromise of insurance claim vitiated by misrepresentation/mistake

Hart Investments Ltd. v Larchpark Ltd [2007] BLR 30

Default judgment and service of process – effect of non-compliance with time-limits/liquidation on enforcement of adjudication award

Marshall v Maggs, reported as Collier v Williams [2006] 1 WLR 1945

Service of process – interpretation of CPR Part 6 meaning of 'last known address' – meaning of 'acting' in context of solicitor at time of service

Gaughan v McDonagh [2005] PNLR 36, Commercial Court (Gloster J)

Limitation – insured suing broker in negligence after avoidance of policy in aftermath of fire – whether cause of action arising at time of inception or time of event insured against

Woodbridge v Smith [2004] BPIR 244, Mr Registrar Baister

Review of fees charged by trustee in bankruptcy

Iqbal v Thakrar [2004] 3 EGLR 21

Whether landlord had acted unreasonably in withholding consent to alterations by tenant

Testimonials

'Both Sue and I wish to thank you profusely for your outstanding work in the case; it goes without saying, that without [your instructing solicitor] and yourself we would not have achieved this measure of success. You were absolutely brilliant'

Mike Jacobs, client, *Jacobs v Crammond Browne* (TCC) March 2009

'The way in which [Mr Butler] got this case up to speed, and the quality of [his] written closing submissions given the time [he] had available, was remarkable'.

Mr Justice Akenhead, *Amsalem v Raivid* (TCC) 9 December 2008

Publications

Contributor, *Service Charges and Management: Law and Practice* 1st edition 2006 (Sweet & Maxwell)

In the media

24.02.2009 *The Architects Journal* published an article from Andrew entitled Legal: contract administration [link to article](#)

08.11.2008 *Estates Gazette* published an article from Andrew entitled 'Challenge to maintain momentum' [link to publication website](#)

Andrew regularly undertakes seminars, most recently speaking on Professional Negligence Aspects of 1954 Act Renewals, soon to be available as a podcast through CPDcast Ltd. http://www.cpdcast.com/contributors/andrew_butler

20.10.2008 *The Lawyer* published an article from Andrew entitled 'Estate of Play' <http://www.thelawyer.com/cgi-bin/item.cgi?id=135240>

23.05.2007 *New Law Journal* published an article from Andrew entitled 'Getting Your Fax Right' <http://www.new-law-journal.co.uk/>

23.03.2007 *Solicitors Journal* published an article from Andrew entitled 'Driveway Robbery' <http://www.solicitorsjournal.com/>

24.05. 2007 *Legal Week* published an article from Andrew entitled 'The Hart of the Matter' <http://www.legalweek.com/Articles/1027863/Real+Estate+The+hart+of+the+matter.html>

Memberships

Member, Property Bar Association

Member, Commercial Bar Association

Member, Professional Negligence Bar Association.

Qualifications

BA, MA

Accredited Mediator

Directory Quotes

'A helpful team player and sound advisor'

Chambers UK 2010

'Continues to expand his property practice'

Chambers and Partners 2009

'Andrew is appreciated for his 'technical knowledge and practical commercial advice'

Legal 500 2008

'A commercial lawyer with a significant vein of property work running through his practice.'

Chambers and Partners 2008

'Able and attentive'

Chambers and Partners 2007