

TANFIELD

PROPERTY & REAL ESTATE BARRISTERS



Andrew Butler KC

Year of call Silk
1993 2018

Andrew Butler KC *'Incredibly impressive on the detail – commercial in his approach, with superb drafting skills. He gets on very well with clients. Robust and calls it as he sees it – he doesn't sit on the fence but gives clear, definitive and reasoned advice.'* – Legal 500 2022.

Andrew Butler KC is Joint Head of Chambers, and took silk in 2018. He practises in the areas of Property and Business & Commercial, and is Head of Chambers' Business & Commercial Group. While he accepts instructions across the full spectrum of commercial and property work, he particularly specialises in development disputes and professional negligence matters, with company law issues also forming an increasing part of his caseload.

Andrew is a qualified mediator and a member of both the Chartered Institute of Arbitrators and the London Court of International Arbitration. He is an adjudicator on the panel of the Professional Negligence Bar Association. He was appointed Queen's Counsel in 2018 and his silk practice has gone from strength to strength, involving an appearance in the Supreme Court, and regular appearances in the Court of Appeal, as well as the Commercial and Business and Property Courts.

Andrew was short-listed for Barrister of the Year in the Lawyer Awards 2020.

Real Property

Andrew's background is in Real Property and the majority of his practice is in professional negligence and commercial claims with a property element.

In the former context, he has undertaken claims against architects, surveyors, insurance brokers and solicitors, among other professionals (see, further, "Professional Negligence" below).

In the latter context, he undertakes cases in a variety of fields, including a recent Supreme Court case involving estate agency fees (*Devani v Wells* [2019] 2 WLR 617). In 2022, he has undertaken High Court trials in matters as diverse as landlord consent to assignment (*Gabb v Farrokhzad* [2022] EWHC 212, see link to news article [here](#)) and liability for a devastating fire at an oil processing plant in Essex (*Smith v Howard* [2022] EWHC 562 (TCC)). Of Andrew's performance in securing victory in the latter case, his instructing solicitor commented: "The result of course turned on cross-examination, where hits were scored on both sides. Perceived [sc. expert] bias proved to be the bigger hit. Not all silks would have been so effective."

Andrew routinely undertakes advisory work on real estate disputes and developments; recent examples include the viability of the redevelopment of a major UK shopping centre and two disputes concerning prime residential real estate in the Bahamas.

Commercial Disputes

Andrew undertakes purely commercial work, often with an international element. A particular example is the long-running case of *UCP v Nectrus* (reported on quantum at [2020] PNLR 9), in which Andrew (despite only being instructed shortly before a 12-day Commercial Court trial) successfully defended the majority of a multi-million pound claim made against a Cypriot entity in relation to a property venture in India. The case has attracted interest in particular in relation to a reflective loss case advanced by Andrew; while this was rejected by the trial judge and the Court of Appeal in *Nectrus*, it has recently been confirmed by the Privy Council in a different case (*Primeo v Bank of Bermuda*) that the defence was sound and that *Nectrus* is wrongly decided in this respect. An application to re-open the appeal in *Nectrus* has been successful [2022] EWCA Civ 949.

Other recent commercial cases undertaken by Andrew include *Auty v Duru*, a high value s.994 petition concerning a Turkish cosmetics group, *Quantum Advisory Ltd. v Quantum Actuarial LLP* [2022] 1 All ER (Comm) 473, a leading Court of Appeal authority on covenants in restraint of trade, and *TBD Owen Hollands v Simons* [2021] 1 WLR 992, an important Court of Appeal decision on search orders and common interest privilege.

Professional Negligence

As set out in the Real Property section, much of Andrew's work both within and beyond the field of property

related disputes has a professional negligence element and he acts in claims against all manner of professionals including insurance brokers, solicitors and architects. Aside from *UCP v Nectrus* (see "Commercial Disputes" above and reported at [2020] PNLR 9), recent and/or ongoing cases include:

- a claim against an Employer's Agent about the allegedly negligent drafting of a Liquidated and Ascertained Damages Clause in a major construction contract.
- a claim against a tax adviser/company law specialist arising out of errors in the establishment of a family trust fund.
- a claim against a barrister arising out of the Court of Appeal's decision in the residential forfeiture case of *Gibbs v Lakeside Development Ltd* [2019] 4 WLR 6.
- a claim against a solicitor arising out of the drafting of an SPA (involving a novel point under s.14A Limitation Act 1980).

Andrew is frequently called upon to talk about negligence issues and lectured on the RIBA CPD programme for many years. He is a member of the PNLA and PNBA, and also sits on the adjudication panel of the latter.

Mediation

Andrew is a trained mediator and has ample experience of the mediation process, both as advocate and mediator.

Awards

- Lawyer Monthly, Business Barrister of the Year (2015)

Qualifications

- FCI Arb
- MA (Oxon)
- BA

Memberships

- Chartered Institute of Arbitrators
- Commercial Bar Association
- Professional Negligence Bar Association
- Property Bar Association