

Andrew Walker QC

Call 1991

Silk 2011

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Andrew is a commercial chancery QC, and former Chair of the Bar of England and Wales.

Summary

Andrew has very wide experience and a depth of expertise as an advocate and adviser, and he appears in courts and tribunals at all levels. He also accepts appointments as an arbitrator, legal expert or legal assessor, has public inquiry experience and has been involved in a large number of mediations.

He is a member of the panel of adjudicators under the PNBA Professional Negligence Adjudication Scheme, and has been appointed as an arbitrator under the Pubs Code.

His main areas of practice are property-related disputes; company, commercial, and financial disputes (including civil fraud and contentious insolvency); claims involving (non-medical) professionals and service providers; and asset valuation. Please see below for more information.

He is known for his strong focus on clients' commercial aims and interests, and the commercial context in which his assistance is sought. His approach is flexible, but will often involve early in-depth analysis of the strengths, weaknesses, risks and opportunities involved; assisting in formulating an appropriate strategy; supporting dispute resolution in the most suitable way (including negotiation, mediation, arbitration and litigation); and providing timely and incisive advice on key issues arising in a dispute or potential transaction.

He has experience in a wide range of business sectors, particularly property investment and development, loan and equity finance, UK and international trade and distribution, hotel and leisure, retail, transport, infrastructure, utilities, auctioneers, agency, care homes, housing, education, telecoms and IT. He advises and acts for clients both within the UK and internationally, and has acted both as an expert witness on English law and as an examiner under letters of request to the English courts.

Professional directories have recommended Andrew for many years in the areas of property litigation, professional negligence and commercial litigation.

Video/Audio

To see video footage of Andrew's contributions to **UK Parliamentary Select Committee hearings** click here (House of Commons Committee on Standards, 19 April 2016), here (House of Lords Constitution Committee, 23 November 2016; from 10:54:20), here (House of Commons Justice Committee, 12 June 2018) and here (House of Commons Justice Committee, 23

October 2018).

To listen to his interview with the Chicago-based **Legal Talk Network** (September 2018), [click here](#).

To see video footage of Andrew's contribution to a European Parliamentary Group seminar in June 2011 on "**European Union Property Law - Rights and Wrongs**", [click here](#) (from around 1:43:40).

Appointments and Awards

- Recorder (Crime), October 2020-.
- Queen's Counsel Selection Panel, Member 2020-.
- Chair of the Bar Council of England & Wales, 2018.
- Elected member of the Bar Council from 2005 to 2016; Vice-Chair, 2017. Formerly Chair, Ethics Committee; Vice-Chair, Law Reform and Access to the Bar Committees.
- Bencher of Lincoln's Inn.
- Bar Pro Bono Award Winner, 2009.
- Inns of Court Scholar; Wigglesworth, Wolfson and Hardwicke Scholar of Lincoln's Inn; Trinity College, Cambridge Whittaker Scholarship.
- Trustee of **The Industry and Parliament Trust**, a charity which seeks to develop mutual understanding between the United Kingdom Parliament and the worlds of business and commerce.
- Trustee of **The Conservation Volunteers**, a charity which works across the UK connecting people and green spaces, creating healthier and happier communities.

Areas of expertise

Property-related disputes and issues of all types, including corporate, partnership and finance disputes relating to property investments, developments and transactions.

His most recent work has included such matters as:

- Property and planning promotion disputes relating to greenfield, brownfield and urban development sites/proposals.
- Company shareholder / joint venture / LLP disputes.
- Utility rights over development land.
- Substantial commercial dilapidations claims.
- Various commercial and residential leasehold disputes.
- Applications for landlord's consent.
- Leasehold enfranchisement in prime central London.
- Arbitrations under the Pubs Code (as both arbitrator and legal assessor).
- Restrictive covenant disputes and investigations, and related planning issues.
- Misrepresentation.
- Land registration.
- Tower block cladding.
- Riverside rights.
- Rating.
- Compulsory purchase.

The following selected matters in the public domain illustrate his range of past work:

- *The Wellcome Trust v 14 Lennox Gardens Freehold Ltd* (FtT (& appeal)) (collective enfranchisement; identification of special purchaser transactions)
- *Allen v Kent County Council* (Public Inquiry) (pioneer area village green registration application)
- *Holmes v Evans* (Court of Appeal) (prescriptive right of way over land held on lease)
- *Zedra Wealth Trustees (Jersey) Ltd v Port Flair Ltd* (county court) (adverse possession, spanning old and new land registration regimes)
- *59-60 Belsize Park Freehold Ltd v Kapoor Investments Ltd* (FtT) (acquisition of airspace lease)
- *The Scotts Company (UK) Ltd v Paper Mill Lane Properties Ltd* (High Court) (meaning of sale contract regarding payments for environmental remediation works; estoppel by convention)
- *HMV UK Ltd v Retail Plus General Partner Ltd* (County Court) (contested retail business tenancy renewal; landlord's redevelopment break rights)
- *Anstruther v Vidas Properties Ltd* (Central London CC (Chancery Business)) (disrepair claim in unusual circumstances, with complex valuation issues; specific performance of repairing covenant)
- *Earl Cadogan v Panagopoulos* (High Court & Court of Appeal) (leasehold enfranchisement claim; wide-ranging issues concerning validity of a caretaker's flat lease)
- *31 Cadogan Square Freehold Ltd v Earl Cadogan* (Upper Tribunal) (two hearings raising a variety of valuation issues in leasehold enfranchisement claims)
- *Samuel Smith (Southern) Ltd v Howard de Walden Estate* (County Court) (two separate lease renewal disputes, focusing on the market rental value of pubs)
- *Panagopoulos v Earl Cadogan* (County Court) (enforcement of leasehold enfranchisement terms)
- *Prudential Assurance Company Ltd v Exel UK Ltd* (High Court) (validity of tenant's attempt to exercise a break clause in lease of substantial warehouse)
- *BDW Trading Ltd v Somerset County Council* (High Court) (whether planning conditions in sale contract were satisfied)
- *Earl Cadogan v Faizapour* (Lands Trib) (collective enfranchisement; valuation)
- *Earl Cadogan v Pitts* (Lands Trib & House of Lords) (hope value and marriage value in enfranchisement; human rights)
- *Redstone Mortgages v Welch* (County Court) (enforceability of residential leaseback rights; estoppel)
- *BPG (Urban) Ltd v Spirit Management Inns Ltd* (High Court) (specific performance of repairing covenant)
- *Brompton Estates Nominees v Coffey* (County Court) (contested dilapidations trial; forfeiture/relief)
- *Arbib v Earl Cadogan* (Lands Trib) (approach to deferment rate in leasehold enfranchisement)
- *Coffey v Brompton Estates Nominees* (County Court) (tenant's liability at lease end for continuing sub-lease under Rent Act 1977)
- *Shirayama Shokusan Co Ltd v Danovo Ltd* (High Court) (contested applications concerning mediation of commercial landlord and tenant dispute)
- *Ezekiel v Fraser* (High Court) (possessory rights)
- *BHP Petroleum Great Britain Ltd v Chesterfield Properties Ltd* (High Court & Court of Appeal) (personal covenant in leases; liability for statutory obligations)
- *Meftah v Lloyds TSB Bank plc* (High Court) (guarantor's claim that bank/receiver sold drag racing circuit at an undervalue)
- *Ashfield Land (Bartlett Court) Ltd v B. Ratcliffe (Gloucester) Ltd* (High Court) (contractual interpretation and priorities under development and finance contracts)
- *Melbury Road Properties 1995 Ltd v Kreidi* (County Court) (priority of notice to enfranchise)
- *Bent v High Cliff Developments Ltd* (High Court) (interaction between alteration and disrepair covenants relating to specialist glazing)
- *Merriman White v Inner temple* (County Court) (possession of business premises; partnership)
- *Homan v Fraser* (High Court) (costs in contested Land Registry dispute)

- *City Centre Restaurants (UK) Ltd v Starburst Holdings Ltd* (County Court) (opposed lease renewal under LTA 1954 s.30(1)(b))
- *Conn v Ellesmere Properties Ltd* (County Court) (recovery of deposit on aborted auction sale)
- *Courage Ltd v Crehan; Walker Cain Ltd v McCaughey* (High Court & Court of Appeal) (issues of competition law and rights of set off in connection with leases of tied pubs)
- *Stripe v Eastern Electricity plc* (High Court) (Electricity Act dispute)
- *Electricity Supply Nominees Ltd v The National Magazine Company Ltd* (High Court) (correct approach to damages involving failure of air conditioning and services in office building)
- *Wakefield (Tower Hill Trinity Square) Trust v Janson Green Properties Ltd* (High Court) (challenge to rent review arbitration award; estoppel)
- *Goodaston Ltd v Fredk H Burgess plc* (High Court) (enforceability of leasehold guarantee)
- *Signet Group PLC v Hammerson UK Properties plc* (Court of Appeal) (validity of notice seeking a new business tenancy of retail premises)
- *Dukeminster (Ebbgate House One) Ltd v Somerfield Property Company Ltd* (High Court & Court of Appeal) (rectification of lease and construction of complex rent review clause in lease of distribution warehouse)
- *Equatorial Corporation v Shah* (High Court) (mortgage claim; validity of redemption statement)
- *UCB Bank plc v Beasley* (Court of Appeal) (rights of mortgagee against unpaid seller of leisure business)
- *Yorkbrook Investments Ltd v Tenants of Chiswick Village* (County Court) (multi-week trial and follow-on damages assessment hearings in dilapidations dispute between landlord and owners of a large number of flats on a significant residential estate in south west London)

Company, commercial, and financial disputes (including civil fraud and contentious insolvency).

His most recent work has included claims relating to property joint ventures, receiverships and asset recovery.

The following matters in the public domain illustrate his range of past work:

- *Jackson v Feeney* (High Court & Court of Appeal) (beneficial ownership of shares)
- *Shah v Shah & Mister Dee International plc* (High Court) (company shareholder dispute)
- *The Scotts Company (UK) Ltd v Paper Mill Lane Properties Ltd* (High Court) (interpretation of contract for sale of development land regarding payments for environmental remediation works; estoppel)
- *Scheldebouw (UK) Ltd v Hamilton* (High Court) (fraudulent agent)
- *BDO Stoy Hayward v JJB Sports* (High Court) (director's authority to enter into contract)
- *Marsh v Marsh & Time Critical International Ltd* (High Court) (dispute over ownership of transport business)
- *Economy Power v Utilities International Ltd* (High Court) (commercial agency dispute)
- *Clydesdale Bank plc v Beechwood Properties (Pedmore) Ltd* (High Court) (asset recovery claim relating to monies lent for property purchase and development)
- *Ransom v HMRC* (Special Commissioners) (filing of tax return by agent)
- *Holmes v Senad Holdings Ltd* (High Court) (breach of warranty in business sale)
- *Re DaimlerChrysler AG Securities Litigation* (High Court) (contested evidence-gathering for purposes of substantial securities litigation in Delaware, USA)
- *Meftah v Lloyds TSB Bank plc* (High Court) (guarantor's claim that bank/receiver sold drag racing circuit at an undervalue)
- *Ashfield Land (Bartlett Court) Ltd v B. Ratcliffe (Gloucester) Ltd* (High Court) (contractual interpretation and priorities under development and finance contracts)
- *Shah v Shah* (High Court) (company shareholder dispute)
- *Yaffe v Silverstone* (High Court) (challenge to actuary's certificate)

- *Goodaston Ltd v Fredk H Burgess plc* (High Court) (enforceability of guarantee)
- *Equatorial Corporation v Shah* (High Court) (mortgage claim; validity of redemption statement)
- *UCB Bank plc v Beasley* (Court of Appeal) (rights of mortgagee against unpaid seller of leisure business)

Claims of all types (including negligence, fraud and breaches of fiduciary duty) against professionals (non-medical) and commercial service providers.

His most recent work has included such matters as:

- A series of £multi-million claims against solicitors relating to a wide range of financial and real estate transactions, with partnership and indemnity insurance complications.
- A series of £multi-million claims against solicitors relating to off-plan real estate transactions.

The following matters in the public domain illustrate his range of past work:

- *Webb Resolutions Ltd v JV Ltd (t/a Shepherd Surveyors)* (High Court) (alleged negligence by property valuers)
- *Green & Grant v Alexander Johnson* (High Court) (causation and assessment of damages in barrister's negligence claim)
- *Slattery v Moore Stephens* (High Court) (professional negligence claim by high net worth individual against personal tax advisers)
- *Platform Home Loans Ltd v Oyston Shipways Ltd* (High Court, Court of Appeal, House of Lords) (correct approach to contributory negligence in valuers negligence claims)
- *Woolwich plc v Cook Taylor* (successful defence of conveyancing solicitors at trial)
- *Yaffe v Silverstone* (High Court) (negligence claim against actuary)

Disputes and advice about the valuation of assets of all sorts, including property assets, financial assets, investment portfolios, companies, shareholdings, businesses, pension funds, and art works. **Rent reviews** for all types of property.

Memberships

Chancery Bar Association
Property Bar Association
Professional Negligence Bar Association
Commercial Bar Association
Financial Services Lawyers Association

Qualifications

Trinity College, Cambridge (MA)

Terms of Business and Other Information for Clients

The areas of practice in which Andrew most commonly provides legal services, and the legal services that he most commonly provides, are outlined above. These include acting as an advocate, providing legal advice, and drafting documents in connection with disputes.

The chambers Terms of Business page ([here](#)) provides general information on Andrew's fees and terms of business for instructions from solicitors and other legal professionals (listed [here](#)). His standard terms for those instructions are the Standard Contractual Terms for the Supply of Legal Services By Barristers to Authorised Persons 2012 (updated for the GDPR in 2018). He usually charges on the basis of the time spent at his applicable hourly rate or an agreed fixed fee, as explained on that page. Expenses may be charged in addition. Each piece of work in relation to a case is charged for

separately, and he reserves the right to require that fees for specific tasks are agreed separately. He also reserves the right to require payment of his fees before he accepts any particular instructions.

For instructions from non-legal professionals and others who are entitled to instruct barristers under the Licensed Access Scheme (explained here), and for instructions directly from clients (under the Public Access Scheme), Andrew has different terms of business, which depend on the nature and circumstances of the instructions.

His usual basis of charging under the Licensed Access Scheme is the same as for instructions from solicitors (see above).

His usual basis of charging under the Public Access Scheme is a fixed fee, paid in advance before he accepts the instructions. Each piece of work in relation to a case is charged for separately. Expenses may be charged in addition. Fees will include VAT where applicable. If you are considering instructing Andrew under the Public Access Scheme, please read the **Public Access Guidance for Lay Clients** on the BSB's website.

For all types of instructions, other pricing models may be available by separate negotiation in individual cases.

Professional, licensed access and public access clients may contact chambers to obtain an estimate or quotation for Andrew's legal services, as explained here.

If you wish to appoint Andrew as an arbitrator or adjudicator, please contact the clerks for further information. Contact details are set out on the Contact page.

Factors affecting the price for Andrew's services include his availability, the availability of the client or relevant third parties, the complexity of the case, the amount at stake, the types of issue involved, the importance of the case, the urgency of the case, the amount of information that needs to be reviewed or considered (including the number of documents), the need for additional information or documents, the approach taken by any other parties in the case, the amount of any travel and additional expenses involved, court delays and waiting times, and changes in information or circumstances.

Factors affecting how long it will take for Andrew to complete any work that he is asked to carry out include his availability, the availability of the client or relevant third parties, the time needed to carry out the work, the complexity of the task or the case, the types of issue involved, the urgency of the case, the amount of information that needs to be reviewed or considered (including the number of documents), the need for additional information or documents, the approach taken by any other parties in the case, court delays and waiting times, any ethical issues that may arise, and changes in information or circumstances.

Andrew Walker QC is regulated by the Bar Standards Board.



Recommendations

Chambers UK

Real Estate Litigation

"He's phenomenally bright and clients love him. He can get to the heart of a really complex matter very quickly." "He's a pleasure to deal with, courteous and insightful." "Seriously intelligent with a deep knowledge of his subject." (2021)

"Fantastically commercial in his application of the law." "He drafts brilliantly." (2020)

"Phenomenally intelligent and extremely commercial." (2019)

"He has a great eye for detail, and he's analytical with a commercial spin." (2018)

"Good attention to detail and commercially minded." "First choice for heavyweight matters requiring more seniority." (2017)

"Provides first-rate advice on extremely complex matters in a very user-friendly way", "a high degree of commercial awareness", "broad chancery expertise and ... well thought-out advice." (2015)

"A gifted real estate litigator, he routinely acts for high-profile companies and investors." (2014)

"Very pleasant and very approachable, he has a wonderful mind and a tremendous grasp of the law. He is highly technical but is excellent at tuning into the client." (2014)

"Incredibly smart and very good on his knowledge of the detail of a judgment." (2013)

"Detailed advice that is very much in demand." (2012)

Chambers UK

Professional Negligence

"Decent and honourable opponent," "richly deserved his appointment to silk this year." (2012)

"Held in high esteem" (2011) "strong intellect," "tough opponent who will fight his corner."

UK Legal 500

Property Litigation

"Brings company, commercial and professional negligence expertise to property disputes." (2021)

"He has an experienced grasp of the commercial imperatives." (2020)

"Very intelligent and yet exceptionally commercial." (2018/19)

"He has a forensic approach, combined with a clear understanding of the commercial context." (2017)

"Good at mining every possible argument and very easy to get on with." (2016)

"He has immense energy and is one of the most thorough analysts." (2014)

"Approachable and very knowledgeable." (2011)

UK Legal 500

Professional Negligence

"Very personable." (2011)

"Well prepared and robustly effective in his advocacy." (2010)

Legal Experts, 2012

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CHAMBERS

Commercial litigation, Property, Professional Negligence