



## Andrew Prynne QC

Year of Call: 1975

Year of Silk: 1995

### Practice Areas

- Clinical Negligence
- Commercial
- Credit Hire
- Health & Safety
- Inquests
- Inquiries
- Insurance
- Personal Injury
- Product Liability
- Professional Discipline
- Professional Liability

### Mediator

Qualified Mediator

### Email:

[aprynne@tgchambers.com](mailto:aprynne@tgchambers.com)

### Awards

### Experience

Andrew Prynne QC is a well known leading advocate who represents claimants and defendants in heavy common law and commercial litigation both at first instance and on appeal. He also represents interested persons in public inquiries and inquests. His wide ranging practice originally developed from his broad grounding as a young junior in the civil, family and criminal courts. His professional standing and long experience is and has long been recognised in the leading directories.

While at 2 Harcourt Buildings, now known as Henderson Chambers, Andrew built up a busy junior practice in the principal areas of accident claims, employment and common law commercial disputes. He was first instructed in public inquiry work by the British Railways Board at the Clapham Inquiry. He established himself as counsel specialising in the then emergent group actions against the pharmaceutical industry ( Pertussis, Opren, Benzodiazepines and Lariam) and then in defending Imperial Tobacco against multiple lung cancer claims.

On taking silk in 1995, Andrew, on the appointment of his leader to the bench, went on to lead the teams that successfully defended the Benzodiazepine actions and the lung cancer claims against Imperial. He went on to lead the team defending Merck in the MMR litigation. He then led teams defending a number of product liability commercial claims relating to contamination of carbonated drinks, petrol, food



and drink and packaging.

Andrew has also over many years advised extensively on product regulation, safety and recalls (food, packaging, mobile phones, e-cigarettes, medical devices and pharmaceuticals). He also has appeared in a number of cases relating to the insurance coverage issues in Product liability and property damage policies and has spoken and published on this subject for the British Insurance Law Association.

Andrew was instructed in a number of serious fire damage claims such as that brought by the National Trust when pursuing a claim for the cost of rebuilding the famous Uppark House in West Sussex which was destroyed by a fire caused by hot work on the roof.

Since joining Temple Garden Chambers, Andrew has led in a number of substantial High Court trials and Appeals in the Court of Appeal in claims for serious injury and insurance coverage disputes over property damage as well as some leading credit hire test cases. He developed a niche in quantifying damages for injured professional footballers.

Andrew represented the ejection seat manufacturers, Martin Baker, before the Lincolnshire Coroner at an Inquest into the death of a Red Arrows pilot and the Derbyshire Youth Offending Service at an inquest into the death in custody of a young person. He currently represents the owner of a Hawker Hunter jet in relation to the inquest into the deaths of those who were killed when it crashed at Shoreham Air Show in 2016.

Between 2016 and 2018 Andrew has been representing the defendant in a long running breach of fiduciary duty action in the Chancery Division. Following two adverse judgments against the defendant in 2012 and 2015, Andrew was instructed in late 2016. He then initiated and led a number of successful challenges to the claimant's case. The claimant had made further serious allegations against the defendant seeking a new account. It was forced to withdraw them shortly before the hearing and conceded that it should pay the defendant his indemnity costs. The claimant was ordered to make an immediate payment.

In the course his work, Andrew has gained valuable experience of the issues arising in transportation accidents, rail, road, marine and aviation. As a life long sailor he has a particular interest in navigation.

Andrew is an accredited mediator and has appeared in a number of commercial arbitrations.

### **Directories**

Andrew Prynne has been ranked as a leading silk in the fields of: Consumer/Product Liability, Health and Safety, Personal Injury and Insurance and Reinsurance.

### **Chambers UK 2019**

Veteran silk with extensive product liability experience. His work in this field sits neatly within his larger common law and commercial practice which sees him handling insurance personal injury and health and safety cases amongst others.

“He is analytical and always very responsive to the instructing solicitors’s needs.”

### **legak 500 2018**

“A seasoned practitioner acting for a range of clients including injury cases and consumer products.”

### **Chambers UK 2013**

“Looked up to by juniors and highly regarded by his peers due to the quality of his strategy and the excellence of his arguments in court.”

“Obviously first class. He’s a very smooth operator. He’s totally unflappable and charming to both witnesses and judges”

“He’s got great intellect, has arguments rooted in common sense, and likes a fight when he goes in to bat for clients. He doesn’t go through the motions- he’s a hard litigator.”

### **Legal 500 2013**

Andrew Prynne is ranked as a Leading Silk in the following areas: Product Liability, Health and Safety, Insurance and Reinsurance, Personal Injury.

### **Chambers UK 2011**

“This ‘very bright original thinker’ has drawn praise for his recent contentious and advisory work.” (Health and Safety)

“Highly regarded as ‘a compelling advocate and a sound tactician who is extraordinarily good on his feet’. Sources praise him for his ‘great flair and style’.” (Product Liability)

### **Legal 500 2011**

“Andrew Prynne QC has considerable strengths, such as his

ability to 'identify the key issues and arguments that will resonate with the court'." (Personal Injury)

"Andrew Prynne QC is praised for his 'grasp of detail, ability to narrow issues and the ease with which he deals with very technical evidence'." (Health and Safety)

### **Chambers UK 2010**

"He is particularly adept at health and safety work with an environmental slant and lauded as a polished performer who doesn't miss a trick." (Health and Safety)

"Concentrates on liability issues that arise in commercial and insurance disputes and has particular know-how of cases relating to the railway industry. Well known as a "hard hitting and tenacious advocate", he is also respected for taking a "very commercially oriented and practical approach on his feet." Prynne is very experienced and handled cases relating to Valium, benzene in fizzy drinks and smoking to name but a few." (Product Liability)

### **Legal 500 2010**

"Temple Garden Chambers.....has signalled a widening of interest in product liability with the arrival of 'heavyweight Andrew Prynne QC'." (Consumer and Product Liability)

### **Appointments**

Queens Counsel 1995

CEDR accredited mediator 2000

Assistant Boundary Commissioner 2000 to 2005

The Lord Chancellor's Working Party on Group Actions

### **Education**

Marlborough College

Southampton University LLB Hons

### **Memberships**

- Association of Regulatory and Disciplinary Lawyers
- Health and Safety Lawyers Associatio
- Personal Injury Bar Association
- Commercial Bar Association
- London Common Law and Commercial Bar Association
- British Insurance Law Association

## **Cases**

### **Shoreham Aircrash Inquest**

HM Coroner 2019 ongoing

20/06/2019

Barristers involved: Andrew Prynne QC

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### **Al Iqra v DSG Retail**

**QBD 2019**

20/06/2019

Barristers involved: Andrew Prynne QC

Product liability claim relating to a fire caused by a defective heater.

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### **General Global Horizons Limited v Gray**

**CHD 2016 to 2018**

20/06/2019

Barristers involved: Andrew Prynne QC

Breach of fiduciary duty.

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### **Inquest into death of Sean Cunningham**

09.01.14 - 29.01.14

Barristers involved: Andrew Prynne QC Nicholas Moss Fiona Canby

Inquest into death of Red Arrows pilot, Flt Lt Cunningham; accidental ejection from his Red Arrows jet.

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### **Akhtar v Bolland**

**CA 2014**

01/01/2014

Barristers involved: Andrew Prynne QC

Credit hire and costs.

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### **Re Hardy deceased**

**HM Coroner 2014**

01/01/2014

Barristers involved: Andrew Prynne QC

Death in custody of young offender.

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### **Re Cunningham deceased**

**HM Coroner 2014**

01/01/2014

Barristers involved: Andrew Prynne QC

Red Arrows pilot - fatal accident.

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### **Salat v Burutis**

**CA 2013**

01/01/2013

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Barristers involved: Andrew Prynne QC  
Credit hire.

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### **Gilman v UPS and Network Rail**

**TCC 2013**

01/07/2013

Barristers involved: Andrew Prynne QC  
Property damage.

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### **Gilman v (1) UPS (2) Network Rail**

**[2013] EWHC 2341**

01.07.2013 - 10.07.2013

Barristers involved: Andrew Prynne QC Fiona Canby  
Contribution proceedings following vehicle incursion onto the West Coast Main Line. Led by Andrew Prynne QC. Instructed by Keoghs on behalf of the motor insurers. July 2013.

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### **Dau Chi Chong v Funafloat Ltd t/a College Cruisers, British Waterways Board**

**Lawtel 26/4/12**

26/04/2012

Barristers involved: James Arney Andrew Prynne QC  
James Arney appeared in the Queen's Bench Division District Registry, Coventry, led by Andrew Prynne QC and successfully defeated a claim pleaded at over £5m for brain injuries sustained while on a canal boat holiday.

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### **Raggett v Preston Catholic College**

**QBD 2012**

01/01/2012

Barristers involved: Andrew Prynne QC  
Child sexual abuse claim.

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### **Sylvestre v Ministry of Defence**

**QBD 2012**

01/01/2012

Barristers involved: Andrew Prynne QC  
Claim by soldier on active service.

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### **W v Veolia**

**2011 Mercantile Court**

01/01/2012

Barristers involved: Andrew Prynne QC  
Credit hire recoverability.

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## **Vaile v. London Borough of Havering - (Brain Injury)**

**[2011] EWCA Civ 246**

01/03/2011

Barristers involved: Andrew Prynne QC Marcus Grant  
Court of Appeal judgment on breach of duty and causation appeal in assault case

Andrew Prynne QC and Marcus Grant appeared for the Appellant, a special needs teacher assaulted by a 14-year-old pupil on the ASD spectrum. The Respondent, through its headmaster, engaged in a cover-up by fabricating documentary evidence and giving perjured oral evidence in Court, in an attempt to protect itself from criticism that it had not devised and maintained a safe system of work for the Appellant. The Court of Appeal described this conduct as 'reprehensible'. The Court below found that despite the cover-up, the Claimant failed to establish either a breach of duty or causation. The Court of Appeal overturned both findings. It found that on the Judge's own primary factual findings there had been a breach of duty. Furthermore, whilst it was difficult for the Claimant to show precisely what the school should have done to avoid the assault, such difficulty did not automatically mean that her claim should fail. There was sufficient evidence to establish on a balance of probability, that but for the multiple breaches in the Respondent's duty of care to her, she would not have sustained injuries in the assault. Costs of the liability trial were awarded on the indemnity basis.

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## **Vaile v Havering B C**

**CA 2011**

01/01/2011

Barristers involved: Andrew Prynne QC  
Employers liability.

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## **Valentine v Transport for London**

**CA 2010**

01/01/2010

Barristers involved: Andrew Prynne QC  
Highways liability.

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## **Omega Proteins v Aspen Insurance**

**Commercial Court 2010**

01/01/2010

Barristers involved: Andrew Prynne QC  
Insurance coverage of product liability policy.

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## **Network Rail v Conarken**

**TCC 2010**

01/01/2010

Barristers involved: Andrew Prynne QC  
Property damage and economic loss.

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## **Re Power deceased**

**HM Coroner 2009**

01/01/2009

Barristers involved: Andrew Prynne QC

Road vehicle incursion on railway – fatal accident.

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### **Farraj v Kings NHS Trust**

**QB 2008 and CA 2009**

01/01/2008

Barristers involved: Andrew Prynne QC

Wrongful birth claim.

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### **Collett v Smith**

**QB 2008 and CA 2009**

01/01/2008

Barristers involved: Andrew Prynne QC

Professional footballing injury claim.

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### **Pinder v Fox**

**QB 2008**

01/01/2008

Barristers involved: Andrew Prynne QC

Product liability under the Consumer Protection Act.

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### **R v Cemex Cement Ltd**

**CA 2007**

01/01/2007

Barristers involved: Andrew Prynne QC

Appeal against sentence in an environmental prosecution.

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### **Inquiry into Domestic Bulk LPG Supply**

**Competition Commission 2004 to 2006**

01/01/2004

Barristers involved: Andrew Prynne QC

Interaction between health and safety and competition law.

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### **Viasystems v Thermal Transfer**

**CA 2005**

03/03/2005

Barristers involved: Andrew Prynne QC

Vicarious liability – the borrowed employee.

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### **Fetal Anti-Convulsant Litigation**

**QB 2005**

03/03/2005

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Barristers involved: Andrew Prynne QC  
Group action - defining the scope of the action.

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## **MMR Litigation**

**QB 2000 to 2006**

03/03/2000

Barristers involved: Andrew Prynne QC  
Various procedural rulings between 2000 and 2006.

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## **Bacardi Martini v Thomas Hardy**

**CA 2002**

03/03/2002

Barristers involved: Andrew Prynne QC  
Sale of goods and liability for contamination of food and drink.

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## **Britvic Soft Drinks -v- Messer**

**Commercial Court and CA 2002 to 2003**

03/03/2002

Barristers involved: Andrew Prynne QC  
Sale of goods - exclusion clauses - unfair contract terms - tort claim for property damaged by contamination.

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## **Afrika v Cape**

**QB and CA 2001**

03/03/2001

Barristers involved: Andrew Prynne QC  
A definitive ruling on costs sharing orders in group actions as they affect claimants who discontinue their claim.

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## **Parker v PFC Flooring Supplies Ltd**

**QB and CA 2001**

03/03/2001

Barristers involved: Andrew Prynne QC  
Employers liability.

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## **Tobacco Litigation**

**QB 1999**

03/03/1999

Barristers involved: Andrew Prynne QC  
Limitation in smoking claims and a refusal to override it.

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## **Hodgson v Imperial Tobacco Lrd**

**CA 1999**

03/03/1999

Barristers involved: Andrew Prynne QC

Conditional fees - order for costs - proceedings in chambers to be held in public.

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### **Worral v British Railways Board**

**CA 1999**

03/03/1999

Barristers involved: Andrew Prynne QC

Injury claim contrary to public policy - ex turpi causa.

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### **Watson and Bradford City FC v Gray and Huddersfield Town FC**

**QB 1999**

03/03/1999

Barristers involved: Andrew Prynne QC

Footballing injury claim - measure of damages for future loss of earnings - award £1 million.

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### **Powell v Boladz and others**

**QB 1995 and CA 1996**

03/03/1995

Barristers involved: Andrew Prynne QC

Allegations of interfering with medical records - no cause of action - action struck out.

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### **Macaffery v Datta**

**CA 1996**

03/03/1996

Barristers involved: Andrew Prynne QC

Liability to recompense for social security payments and its effect on an order for costs following a payment into court.

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### **AB v Wyeth and Brother Ltd**

**QB an CA 1992-1996**

03/03/1992

Barristers involved: Andrew Prynne QC

The Benzodiazepine litigation - striking out as abuse of process.

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### **National Trust v Haden Young**

**QB and CA 1993**

03/03/1993

Barristers involved: Andrew Prynne QC

The Uppark fire claim - negligence - construing the insurance provisions of the JCT contract - measure of damages.

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## **Scottish and Great Western Railway v. British Railways Board**

**QB and CA 1993**

03/03/1993

Barristers involved: Andrew Prynne QC

Negligence - construing a contract and its effect on liability for a railway accident.

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## **Nash v Eli Lilly**

**QB and CA 1993**

03/03/1993

Barristers involved: Andrew Prynne QC

Open litigation - group actions - limitation - power to override.

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## **Joseph Owen Davies v Eli Lilly**

**CA 1987**

03/03/1987

Barristers involved: Andrew Prynne QC

Open litigation - costs sharing in group litigation.

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## **Department of Health and Social Security v Kinnear and Others**

**QB 1984**

03/03/1984

Barristers involved: Andrew Prynne QC

Pertussis vaccine litigation - government attempting to strike out claim.

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## **Samuelson v N.I.G.C.**

**CA 1986**

03/03/1986

Barristers involved: Andrew Prynne QC

Motor Insurance coverage.

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## **Cooper v M.I.B**

**CA 1985**

03/30/1985

Barristers involved: Andrew Prynne QC

Coverage under the MIB agreement.

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## **Adsett v West**

**QB 1983**

03/03/1983

Barristers involved: Andrew Prynne QC

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Future loss in an injury claim.

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