



Andrew Kinnier QC

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Andrew Kinnier QC

"really bright, nice to deal with, and on the ball" and 'very hard-working and a first class brain."

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Silk 2018

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Andrew Kinnier QC is a leading silk in the fields of Product Liability, Public Procurement, Health & Safety, Administrative & Public Law (including Local Government), Environment and Public Procurement.

He is recommended as *"A silk who fights his client's corner"*, *"He is phenomenally committed to the cause of the client"* and *"an intellectual powerhouse"*. Andrew is also recommended as *"really bright, nice to deal with, and on the ball"*, *"very hard-working and a first class brain"* and having *"an eye for detail and really gets to the heart of the issue"*. This *"efficient and focused barrister"* displays an *"amazing attention to detail"* and a *"fine understanding of difficult and tricky concepts"*. Andrew is recommended as *"an expert on very technical and scientific points"* and *"those that instruct him comment on his accessibility as well as the experience, knowledge, leadership and insight he brings to bear on a matter"*.

In 2017 Andrew was appointed as one of the lead Counsel to the Grenfell Tower Public Inquiry team.

Product Liability & Group Actions

Andrew is a recommended silk for Product Liability work in the Chambers & Partners and Legal 500 directories. He is described as *"a rising star"* who receives very high praise for his involvement in complex product liability cases, particularly those concerning defective medical devices and pharmaceuticals. Andrew is also recommended as *"a very stylish advocate. He is confident, articulate and persuasive."*

Andrew is commended as *"a leading figure for defence work"* and *"very experienced and brings that knowledge to all aspects of his work. He is accessible, responsive and inspires trust"*

Andrew regularly advises on civil and criminal liabilities, Consumer Protection Act 1987 and defective product claims relating to a broad range of products but particularly pharmaceutical products (including vaccines) and medical devices. In addition to his group action expertise, Andrew's pharmaceutical product experience includes unitary actions, regulatory work, product testing and product labelling claims.

In addition to his product liability experience, Andrew's experience of group litigation is extensive. He has been instructed in GLO cases relating to industrial disease litigation, historic physical, sexual and financial abuse and clinical negligence cases.

Representative Cases

- *The Seroxat Group Action*
A claim under the Consumer Protection Act 1987 in which it is alleged that the claimants were unable to discontinue their use of the antidepressant Seroxat.
- *Bailey & Others v GSK [2016] EWHC 178 (QB); [2016] EWHC 1975 (QB)*
Consideration of the question whether a stay should be lifted on group litigation.
- *The Combined Hip Prostheses Litigation*
- *The Metal-on-Metal Hip Implant Litigation*
- *The PIP Breast Implants Group Litigation*
Acting for the UK exclusive distributor of PIP silicone breast implants that are alleged to be of unsatisfactory quality. The claim was one of The Lawyer's Top 20 Claims for 2016.
- *Pearce v Secretary of State for Energy & Climate Change [2015] EWHC 3775 (QB)*
Application regarding extension of cut-off date for entry on to group register.
- *Holloway & Ors v Transform Medical Group (CS) Ltd & ors [2014] EWHC 1641 (QB)*
Acting in application successfully resisting a late application to join group register.
- *XYZ v Various [2014] EWHC 4056 (QB)*
Acting for an insurer who successfully resisted a joinder application to insurance proceedings relating to the PIP Breast Implants Litigation.
- *Martin v Bard UK*
Acting for the manufacturer of vaginal meshes in litigation in which it is alleged that the product is defective.
- *The Isolagen Litigation*
Acting for surgeons in 52 claims relating to the cosmetic treatment known as Isolagen.
- *Webster v Liddington [2014] EWCA Civ 560; [2015] 1 All ER (Comm)*
Acting for clinicians in litigation in which the Court of Appeal considered their liability for alleged misrepresentations contained in the manufacturer's promotional literature.
- *Gold Venture Lodges (Pty) v Land Rover*
A claim under the Consumer Protection Act 1987 in which the Land Rover Defender was alleged to be defective.
The Mau Mau Litigation
- *The British Coke Workers Litigation*
A group action in which former coke oven workers allege that exposure to various fumes and gases caused cancers and other conditions.
- *The Miners' Knee Group Action*
A claim in which former miners alleged that their working conditions had caused osteoarthritis of the

knee.

- *The British Coal Respiratory Disease Litigation*

A group action in which former miners alleged that exposure to coal dust had caused a range of respiratory conditions.

- *The Cornwall Partnership Trust Group Action*

A claim in which former patients alleged they had suffered physical, sexual and financial abuse whilst under the care of the NHS Trust.

Health & Safety

Andrew is recommended as a “*silk who fights his clients corner*” in health and safety law (Legal 500) and is described as having “*an eye for detail and really gets to the heart of the issue*”; “*he puts his clients at ease, and never fails to impress them with his insightful advice and commercial approach*” and “*calm and thorough, and good with clients*”. Whilst he has particular experience in the mining, construction, rail and road transport and food industries, Andrew is instructed on a range of employer’s liability and related health and safety claims and prosecutions. He is also regularly retained in claims relating to industrial diseases as well as claims arising from accidents at work, mesothelioma, asbestosis and hazardous claims, fatal accidents and inquests.

Andrew was appointed as one of the lead Counsel to the Grenfell Tower Public Inquiry.

Representative Cases

- *Grenfell Tower Inquiry (2017-)*

Andrew is one of the lead Counsel to the Grenfell Tower Public Inquiry.

- *AgChemAccess Ltd v Health & Safety Executive*

Claim for damages arising from the withdrawal of enforcement notices.

- *GRW Ltd v Health & Safety Executive*

Claim for judicial review relating to advice given to the Secretary of State for Transport.

- *Amazing Ventures Ltd v Covent Garden Market Authority*

Multi-million civil claim relating to asbestos exposure.

- *Office of Rail Regulation v Network Rail Infrastructure Ltd*

Acting for the company in respect of a collision between track maintenance equipment and a high speed train in the approach to Paddington station.

- *HSE v Bison Manufacturing Ltd*

Prosecution arising from a fatality involving a haulier.

- *Re Sivyer Transport [2014] UKUT 483*

Advising and representing various licence-holders in Public Inquiries before the Traffic Commissioner and in appeals before the Transport Tribunal and, now, the Upper Tribunal.

- *HSE v Laing O'Rourke Construction*
Prosecution arising from serious injury on large construction site in South Wales.
- *HSE v Laing O'Rourke Construction (Midlands) Ltd*
Prosecution arising from the fall of ½ tonne of scaffolding from the 40th floor of a hotel in Birmingham city centre.
- *HSE v Veolia PLC*
Prosecution arising from a fatality during the course of road reinstatement works.
- *HSE v Southern Gas Networks Ltd*
Prosecution arising from a fatality during the course of road reinstatement works.
- *HSE v Select Cranes Ltd*
Prosecution arising from the collapse of a crane.
- *HSE v Crown House Technologies Ltd*
Prosecution relating to a fatality caused by the discharge of pressurised Argonite gas cylinders.
- *Miners' Knee Group Litigation*
Group action brought by former miners alleging that various breaches of health and safety legislation caused them to suffer from osteoarthritis of the knee.
- *The British Coal Respiratory Disease Litigation*
Group action brought by former and present miners alleging that exposure to substantial quantities of coal dust had caused various respiratory conditions.
- *The Phurnacite Litigation*
Acting in litigation following determination of the lead cases in relation to the Phurnacite plant in South Wales.
- *British Coke Workers Litigation*
Group action concerning alleged exposure of coke workers to various hazardous substances in UK coke plants.

Public Procurement Law & State Aid

“A highly valued and very practical advocate who can hold his own against Silks” and “a fantastic team player who’s incredibly bright and insightful”, Andrew is recommended as a silk in public procurement law: (Legal 500). Andrew is also recommended as a global leader in Procurement Law by “Who’s Who Legal”. In addition to advising on infraction proceedings brought by the European Commission and procurement-related issues arising from the operation of European Structural Funds (including judicial review claims), Andrew has particular experience advising both public bodies and private parties on regeneration schemes, concessions, shared services projects and state aid in addition to related judicial review claims. He has a particular specialism in defence related procurement governed by the defence and security Public Contracts Regulations 2011 and transport matters.

Andrew is a member of the Procurement Lawyers' Association.

Instructions Include

- Acting for the Secretary of State in a claim brought in relation to the salvage of bullion from the wreck of the SS Gairsoppa.
- Acting for challenger in its claim against the Secretary of State for Health under the Public Contracts Regulations 2006 following a unsuccessful tender for a contract to provide ventilators for use in chemical, nuclear or biological incidents.
- Representing the UK Borders Agency in a judicial review of its decision to award a contract for the storage and management of impounded goods which alleged various breaches of the procurement rules.
- Advising a major telecommunications company in respect of a potential challenge and judicial review concerning the award of a communication services contract by a Central Government department.
- Advising and representing a major healthcare provider in respect of a challenge to the award of various contracts under a framework agreement.
- Advising and representing a major healthcare provider in respect of a challenge to the award of contracts relating to clinical and other forms of waste under an NHS framework agreement.
- Advising and representing a Central Government department in an arbitration arising from a challenge to the procurement of a £100M IT system.
- Advising and representing a public authority in an arbitration concerning a challenge to the procurement of an IT services contract.
- Advising and representing a medical devices supplier in a challenge to a procurement decision by a NHS Foundation Trust.
- Advising a supplier in a challenge to a procurement decision relating to a support services contract by a NHS Trust.
- Advising a supplier in a challenge to a procurement decision by the Department for Education relating to the provision of support services to secondary schools.
- Advising a London local authority regarding the extent to which a housing regeneration project was subject to the Public Contracts Regulations 2006.
- Advising a consortium of local authorities regarding proposed sharing of IT, revenue and legal services and the Public Contracts Regulations 2006.
- Advising a Waste Authority on the funding mechanisms of a waste disposal authority for the purposes of concluding a private finance initiative.

Public and Administrative Law

Described as “*academically and intellectually strong; forceful in Court*” and “*exceptional in his advice and in his attitude. He is enormously good to deal with, prompt, positive and fun... He can hold his own against QC's*”. Before taking silk, Andrew was Junior Counsel to the crown (A Panel) and a member of the Welsh Governments Public Law A Panel. He is now a member of the Welsh Governments QC Panel and is regularly instructed by the Government Legal Department.

Andrew has been instructed to advise on a range of European issues including infraction proceedings brought by the European Commission against the United Kingdom government, state aid matters, judicial reviews of European Commission decisions concerning pharmaceutical products and satellite broadcasting in the European Union, an ICC arbitration involving the EURATOM Treaty, matters arising under the Common

Customs Code and private claims against the European Commission.

Andrew has wide experience of public inquiries. In addition to being retained as one of the Lead Counsel to The Grenfell Tower Inquiry, he appeared at Parts 1 and 2 of Lord Cullen's Inquiry into the Ladbroke Grove rail accident as well as at the Joint Inquiry into Train Protection Systems.

Representative Cases

- *The Queen (Kingston-upon-Hull City Council) v Secretary of State for Business, Innovation and Skills [2016] EWHC 1064 (Admin)*
Consideration of the lawfulness of advice given under the primary authority scheme.
- *The Queen (Wilson) v Secretary of State for Transport [2015] EWHC 2330 (Admin)*
Challenge to the implementation of the Maritime Labour Convention into domestic law.
- *The Queen (Main) v Minister for Legal Aid [2007] EWHC 742 (Admin)*
Availability of legal aid for inquests.
- *The Queen (Western Riverside Waste Authority) v London Borough of Wandsworth [2005] EWHC 536 (Admin)*
Waste collection authority's power to fix tariff.
- *The Queen (Hancock) v Welsh Ministers*
Challenge relating to power to recover overpayments made to dentists.
- *The Queen (Leavesley) v UKBA*
Challenge to decision to award contract for storage of seized goods.
- *Implants International Ltd v European Commission (Case C-279/06)*
Reimbursement of money paid under a European research and development grant.

Personal Injury & Industrial Disease

Andrew has broad experience of personal injury claims including employer's liability claims involving exposure to asbestos, vibration white finger and noise induced hearing loss claims and fatal accident claims particularly involving industrial diseases. He also deals with catastrophic injury cases. Andrew has particular expertise in limitation matters particularly in respect of historic abuse and industrial disease claims.

Andrew has an expertise in inquests and coronial law, particularly in relation to workplace deaths, hospital deaths and deaths in custody. He is experienced in acting in Middleton/ Article 2 inquests with an expanded scope. He represented Railway Safety at the inquests arising from the Ufton Nervet, Potters Bar and Greyrigg rail accidents.

Andrew has also advised a range of public and private bodies in claims for judicial review of coroners' decisions.

Representative Cases

- *The British Coke Workers Litigation*
A group action in which former coke oven workers allege that exposure to various fumes and gases caused cancers and other conditions.
The Mau Mau Litigation
- *Kesabo & Ors v African Barrick Gold PLC [2013] EWHC 3198*
A number of claims brought by Tanzanian nationals against African Barrick Gold claiming damages for personal injury and deaths arising from a series of incidents at the North Mara Mine in 2010 – 2011. The claim was one of The Lawyer’s Top 20 Claims for 2015.
- *Lane v British Telecommunications PLC*
Acting for BT in relation to a threatened group action in which it was alleged that occupational noise exposure in relation to Strowger exchange equipment caused deafness.
- *Smith v Department for Energy & Climate Change [2013] EWCA Civ 1585*
Conditions applicable to applications for pre-action disclosure under CPR 31.16.
- *Miners’ Knee Group Litigation*
Acting for the Department of Energy & Climate Change in the group action brought by former miners alleging that various breaches of health and safety legislation caused them to suffer from osteoarthritis of the knee.
- *The British Coal Respiratory Disease Litigation*
Acting for the Department of Energy & Climate Change in the group action brought by former and present miners alleging that exposure to substantial quantities of coal dust had caused various respiratory conditions.
- *The Phurnacite Litigation*
Acting for the Department of Energy & Climate Change in litigation following determination of the lead cases in relation to the Phurnacite plant in South Wales.
- *The Cornwall Partnership Trust Group Action*
A claim in which former patients alleged they had suffered physical, sexual and financial abuse whilst under the care of the NHS Trust.

Environmental Law

Andrew is recommended as a Silk in environmental law (Legal 500) as “*an insightful and practical Advocate*” “*a first-rate barrister; he is able to see the key issues and clients absolutely love his approach*”. Andrew advises on all regulatory aspects of environmental legislation, in particular the obligations of waste disposal and collection authorities, as well as acting for public bodies and companies in civil and criminal proceedings arising from the use of land, including the contamination of land. Andrew has also represented public authorities in relation to infraction proceedings brought by the European Commission in environmental matters.

Representative Cases

- *The Queen (Western Riverside Waste Authority) v London Borough of Wandsworth [2005] EWHC 536 (Admin)*
Waste collection authority's power to fix tariff.
- *The Queen (West London Waste Authority) v Mayor of London*
Challenge to Mayor's failure to consult under the Greater London Assembly Act 1999.
- *Environment Agency v Abbey Metal Finishing Ltd*
Prosecution of company arising from pollution of river Anker by cyanides following a fire.
- *Environment Agency v Railtrack PLC*
Prosecution relating to diesel pollution of river.
- *Environment Agency v Elite Hotels*
Prosecution of hotel chain in respect of recycling of packaging.
- *Environment Agency v FD Todd & Sons*
Prosecution of waste carrier relating to deposit of food waste.

What the directories say

"He is very experienced and brings that knowledge to all aspects of his work. He is accessible, responsive and inspires trust."

Chambers UK 2020

"An insightful and practical advocate."

Legal 500 2020

"A silk who fights his client's corner."

Legal 500 2020

"He is an intellectual powerhouse."

Legal 500 2020

"He is phenomenally committed to the cause of the client."

Legal 500 2020

Appointments

- Queen's Counsel (2018)
- Counsel to the Grenfell Tower Inquiry (2017-)
- Welsh Government QC Panel
- Junior Counsel to the Crown (A Panel) (2011-2018)
- Junior Counsel to the Crown (B Panel) (2008-2011)
- Junior Counsel to the Welsh Government (A Panel – Public Law) (2012-)
- Junior Counsel to the Welsh Government (Public Law Panel) (2009-2012)

Publications

- Contributor to Halsbury's Laws of England (Volume 37)
- Contributor to Bullen & Leake & Jacob's Precedents and Pleadings (15th, 16th, 17th and 18th editions)
- Contributor to Kluwer's International Product Law Manual (1st and 2nd editions)

Memberships

- ALBA
- Bar European Group
- Health & Safety Lawyers' Association
- Procurement Lawyers' Association
- South Eastern Circuit
- Health & Safety Lawyers' Association
- Personal Injuries Bar Association

Education

- Sidney Sussex College, Cambridge, Whittaker Scholarship, College Tripos Prizes (History & Law), Evan Lewis-Thomas Law Scholarship, Akinjide Prize
- M.A.; B.A. (First Class Honours), University of Cambridge
- Middle Temple Queen Mother-Fox Major Entrance Scholarship

Awards & Recognitions

