



Rachel Tandy

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Rachel Tandy

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Rachel has a commercial and common law practice, with a particular focus on (i) commercial & insurance disputes, (ii) product liability and health & safety, (iii) personal injury, and (iv) property. She regularly appears in court, at both trial and appellate level, and is equally at home working as sole counsel or as a member of a larger team.

Recent instructions include: representing multiple defendants in a conspiracy claim arising out of joint venture arrangements brought by the Libyan Investment Authority; acting for one of the biggest Claimant groups in the Volkswagen Emissions Litigation; advising in the early stages of a high value ad hoc arbitration relating to the collapse of a partnership; and acting for a litigation funder in a complex commercial conspiracy claim proceeding in the Supreme Court in Gibraltar.

Rachel also has an interest in vexatious & abusive litigation and fraud across all areas of her practice. She has recently been commissioned by OUP to author a new book on abuse of process in the civil courts.

Prior to coming to the bar, Rachel was an advertising executive at one of London's leading independent media agencies, and also worked as an adjudicator at the Financial Ombudsman Service, specialising in banking and insurance disputes. Her experience in those fields enables her to bring pragmatism and a commercially-sensitive approach to litigation.

Rachel is a benefactors' scholar of Middle Temple and a former Judicial Assistant to Mummery LJ in the Court of Appeal.

Commercial and Insurance

Rachel is an experienced commercial junior who has acted in a range of disputes, often as sole counsel.

She has particular interest and expertise in conspiracy, fraud, and issues of contractual interpretation. However, her practice covers the full spectrum of commercial work, including:

- Banking and finance
- Civil fraud, asset tracing and enforcement

- Contractual claims
- Debt recovery
- Insurance (including policy coverage, subrogation, fraud, and Bermuda form issues)
- Injunctive relief
- Insolvency
- Partnership, shareholder, and joint venture disputes
- Sale of goods and chains of supply

Rachel's work is increasingly international; she accepts instructions from offshore jurisdictions and has been involved in various cases with European, American, African and Caribbean dimensions. She is a member of the Litigation Committee of the International Bar Association.

Representative Cases

- *Libyan Investment Authority v Various Defendants (Ch D)*
Acting for a number of UK parties in a commercial conspiracy claim brought in respect of UK joint venture arrangements, including in a recent (successful) application to strike out ([2018] EWHC 2952). Led by Vernon Flynn QC (Essex Court) and Jonathan Adkin QC (Serle Court) with Henry Warwick (Henderson Chambers).
- *Chevron Corporation v Amazonia Recovery Limited & Others (Supreme Court, Gibraltar)*
Instructed as junior counsel in this case concerning an alleged commercial conspiracy arising from US\$18 billion judgment in respect of environmental pollution in Ecuador and associated proceedings in New York and elsewhere. Led by Vernon Flynn QC (Essex Court Chambers), Patrick Green QC (Henderson Chambers) and Jonathan Adkin QC (Serle Court).
- *Bermuda Entities v Colorado Entities (Commercial Court)*
Proceedings in the Commercial Court for an anti-suit injunction restraining litigation in Colorado, USA and elsewhere, in an investment dispute concerning Bermuda limited partnership agreement.
- *Construction Industry Vetting Information Group Litigation (QBD)*
Instructed as junior counsel by a defendant construction company in a claim for breach of confidence and conspiracy relating to the alleged blacklisting of workers for trade union related activities. Led by Geraint Webb QC.
- *BioProducts v Healthcare at Home (Commercial Court)*
Instructed in a high-value contract dispute concerning an agreement for the supply of medical products.
- *F v N (details confidential)*
Instructed to advise and assist in the early stages of a high value ad hoc arbitration relating to the collapse of a partnership.
- *A v Various Parties (QBD)*
Assisted on a multi-million-dollar, multi-handed insurance-backed supply chain dispute in the aviation sector.
- *B v O (QBD)*
Advised and acted for a party seeking to recover a discretionary bonus payment from their employer

(settled on confidential terms).

- *A v B*

Retained as sole counsel by a foreign hospital and health services company in relation to a contractual dispute with a European insurer which raised issues of jurisdiction, applicable law and policy coverage

- *S v C*

Instructed to advise and act in the mediation of a partnership dispute concerning the proper distribution of partnership assets and the validity of a previous settlement agreement.

- *Breakthrough v Specialized*

Instructed in relation to the recovery of a commercial debt arising out of a contract for services, defended on grounds of forgery and fraud.

- *T v B*

Instructed to advise and represent a shareholder in an ongoing investment dispute raising issues of deceit and conspiracy.

Product Liability and Health & Safety

Rachel accepts instructions across the full range of product liability and health & safety matters, with a particular focus on fire damage and related issues. She has acted for a range of businesses, and regularly appears in both the civil and criminal courts on her own account. She is on the HSE's List of Specialist Regulatory Advocates.

Instructions include:

- *Automobiles*: acted in claims for personal injury and property damage arising out of allegedly defective refurbishment of private motor vehicles, including one unusual claim seeking damages for carbon monoxide poisoning
- *Aviation*: worked on a multi-handed, multi-million-dollar supply chain dispute arising out of significant fire damage to an aircraft
- *Commercial equipment*: assisted on a claim for lost profits arising out of allegedly defective refrigerator equipment
- *Consumer goods*: representation of manufacturer defendants in various claims for personal injury and property damage following house fires allegedly caused by defective white goods
- *Emergency Services*: successfully defended a fire fighter charged with causing death by dangerous (alternatively careless) driving
- *Food and Drink*: representing well-known food brands in civil proceedings (concerning substantial loss of profit claims) and criminal proceedings brought by the HSE (concerning employees injured whilst operating machinery)
- *Oil and Gas*: acting for a subcontractor in a HSWA prosecution arising out of an explosion at an oil refinery
- *Pharmaceuticals and cosmetics*: advised on recoverable damages in a claim concerning the fatality of a participant in a the medical trial of a new drug
- *Railways*: assisted leading counsel in relation to multiple criminal prosecutions following injuries and

fatalities on the railway

- *Sport*: instructed in several property damage claims arising from allegedly defective electronic sports vehicles. Assisted leading counsel in a HSWA prosecution of a major sporting body, arising out of a death at a competitive event

Representative Cases

- *The VW NOx Emissions Litigation*

Instructed as junior counsel for one of the biggest claimant groups in this consumer group action arising from the 2015 emissions scandal. Led by Oliver Campbell QC and Adam Heppinstall.

- *HSE v (1) Valero Energy UK Limited and (2) B&A Contracts Ltd*

Acting for the second (subcontractor) defendant in this HSWA prosecution arising from a fatal explosion at an oil refinery. Led by Prashant Popat QC

- *R v Williams (2018)*

Representing a firefighter charged with causing death by dangerous (alternatively careless) driving, following the overturning of a fire engine responding to an emergency call. The defendant was acquitted of all charges at trial. Led by Mark Balysz (Crown Office Chambers).

[Link to news item here](#)

Personal Injury

Rachel has a busy court practice in this field, and regularly represents Claimants and Defendants in a wide variety of personal injury claims, at both trial and appellate level.

She has a particular interest in matters arising out of cosmetic and aesthetic treatments, having acted in respect of claims arising from laser skin therapy, cosmetic surgery, and hair colourant. She is also counsel of choice for a local authority, and so has extensive experience in public liability claims.

Rachel is well-versed in all aspects of the QOCS regime, including fundamental dishonesty applications and fraudulent claims.

Instructions Include:

- *Cosmetic treatments*: advised and acted in claims concerning injuries arising from laser skin therapy, cosmetic surgery, and hair colourants.
- *Employers' liability*: instructed in various matters including claims for vibrational white finger, an ankle injury sustained during a work football match, the loss of a thumb by a marine engineer, and damages for sexual harassment by a co-worker.
- *Highways*: advised and acted for and against local authorities in a range of injury claims arising from trips and slips on the highway.
- *Holidays*: settled pleadings and acted in personal injury claims brought under the Package Travel Regulations, including claims for injuries suffered falling from a snowmobile and a dog sled on an excursion in Norway.
- *Public liability claims*: instructed by a local authority in numerous trials concerning slips and trips in car

- parks, leisure centres and on various other local authority premises
- *Schools*: acted for a local authority in personal injury claims by pupils following accidents and assaults on school premises, including one claim in which the claimant had suffered unusual scarring for which there was no useful comparable.
- *Wrongful Birth*: advised in relation to a wrongful birth claim concerning complex circumstances untested by the existing jurisprudence.

Property

Rachel is developing a busy property practice, with a particular focus on commercial property disputes and business tenancies. However, her experience covers the full spectrum of property matters, including:

- Adverse possession
- Boundary disputes
- Business tenancies (including terms, renewal and termination)
- Covenants and easements
- Co-ownership and trusts of land
- Dilapidations / disrepair
- Enfranchisement
- Forfeiture
- Land registration disputes
- Mortgage claims
- Possession proceedings
- Service charge disputes
- Trusts of land

Recent instructions have included:

- advising on the terms, enforceability and possible variation of an agreement relating to a family trust of land
- successfully representing a major mortgage lender in a possession claim defended on grounds of misrepresentation and fraud
- acting for a charity in a high-profile business tenancy dispute which concerned allegations of misrepresentation dating back to the 1980's
- advising and acting in mediation relation to an acrimonious neighbor dispute concerning boundary issues and rights of way
- appearing in the leasehold valuation tribunal in relation to statutory consultation schemes and contested service charges.

Professional Negligence & Discipline

Rachel undertakes a range of professional negligence and regulatory work, representing both claimants and defendants. She has acted in claims concerning solicitors, accountants, surveyors and clinicians, and also

appears in related regulatory tribunals.

Recent instructions have included:

- representing one of the UK's largest solicitors' firms in a six-figure claim brought in the High Court (defended on grounds of negligence and breach of retainer) in a successful application to strike out for abuse of process.
- acting for the claimant in a six-figure claim against solicitors for damages arising from the drafting of a deed of trust relating to a joint venture. The claim concerned allegations of failure to advise and of a conflict of interest.
- settling pleadings in a claim against a plastic surgeon for a negligent abdominoplasty and failure to advise.
- advising in relation to a six-figure claim against accountants concerning alleged failures relating to the claimant's VAT registration.
- representing a medical practitioner at a fitness to practise hearing before the General Medical Council.

Appointments

- Specialist Regulatory Panel Advocate for the HSE in Health & Safety and Environment Law – “List C” (2019)
- Judicial Assistant to Lord Justice Mummery, Court of Appeal (2013)

Publications

- Contributor to “Hodge on Multi Party Actions” (OUP 2018)
- “Mitigate to Accumulate: a new take on the breach / benefit conundrum” Butterworths Journal of International Banking and Finance Law
- “The Search for Redemption: Surveyors' Liability for Refinance Loans” Butterworths Journal of International Banking and Finance Law
- “Taking and Enforcing Security in Consumer Credit Agreements” and “Introduction to Enforcement” Lexis PSL
- “The admissibility of a defendant's previous criminal record: a critical analysis of the Criminal Justice Act 2003” Stat Law 2009 (30) 203.
- “Sale of Goods: Consumer Protection” Westlaw Insight.

Memberships

- Commercial Bar Association
- International Bar Association
- London Common Law & Commercial Bar Association
- Health & Safety Lawyers' Association
- Personal Injuries Bar Association
- British Insurance Law Association

Education

- Middle Temple Benefactors' Scholar & Entrance Exhibitioner
- Middle Temple Certificate of Honour
- BVC, Outstanding, the College of Law
- GDL, Commendation, the College of Law
- M.Sc Russian & Eastern European Studies, University of Oxford
- BA (Hons) 1st Class (1st in Year), University of Sussex