



Rachel Tandy

"Rachel strikes the perfect balance between fiercely intelligent and imaginative in her approach to legal problems. A wordsmith and no detail is missed. Excellent on her feet – certainly one to watch."

- Legal 500 2024

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Rachel has a broad commercial litigation practice, with a focus on commercial disputes, product liability, group actions and personal injury. 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. She is recommended as a leading junior for commercial litigation by the Legal 500 and for group litigation by Chambers & Partners.

Recent instructions include: representing multiple defendants in a conspiracy claim arising out of joint venture arrangements brought by the Libyan Investment Authority; acting as first junior for the Claimant Steering Committee in the Volkswagen Emissions Litigation; advising and acting for parties in a variety of other group actions arising out of the 2015 "Dieselgate" scandal; 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.

She regularly represents Claimants and Defendants in a wide variety of personal injury claims. 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 Visiting Lecturer at City University where she teaches civil litigation. She is a benefactors' scholar of Middle Temple and a former Judicial Assistant to Mummery LJ in the Court of Appeal.

For more information about the way barristers at Henderson Chambers work, including our terms of engagement, fee transparency statement and our complaints process, [please click here](#). Barristers are regulated by the Bar Standards Board.

Please [click here](#) for a copy of Rachel Tandy's privacy policy.

Commercial and Insurance

Rachel is an experienced commercial junior who has acted in a range of disputes, often as sole counsel. She is recommended as a leading junior for commercial litigation by the legal 500.

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 (successful) application to strike out ([2018] EWHC 2952), an amendment application ([2020] EWHC) and in the Court of Appeal on limitation issues ([2020] EWCA Civ 1690). Led variously by Vernon Flynn QC (Essex Court), Patrick Green QC (Henderson Chambers), Jonathan Adkin QC (Serle Court) and Henry Warwick QC (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), 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.
- *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 Group Actions

Rachel has wide ranging experience of product liability and group action work, and acts for both Claimants and Defendants. She is recommended as a leading individual for group litigation by Chambers & Partners.

Rachel is currently instructed in the Volkswagen NO_x Emissions Litigation as first junior for the Claimant Steering Committee, and also advises and acts for parties in a variety of other group actions arising out of the “Dieselgate” scandal.

Whilst Rachel’s present focus is predominantly on consumer issues, she has advised and acted in a broad range of claims including those concerning medical devices, pharmaceuticals, cosmetics, food and drink, sports equipment, financial misselling, employee blacklisting, and environmental damage.

Representative Cases

- *The VW NO_x Emissions Litigation (QBD)*
instructed as first junior by the Claimant Steering Committee in this consumer group action arising from the 2015 emissions scandal. Led by Tom de la Mare QC (Blackstone Chambers) Oliver Campbell QC (Henderson Chambers) and Adam Heppinstall QC (Henderson Chambers).
- *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.

- *F v Various Parties*
instructed as sole counsel to advise in the early stages of a putative group action for personal injuries arising out of environmental issues.
- *TRW v Kemet (QBD)*
instructed as junior counsel by a manufacturer of electronic components in a supply chain dispute in the automotive sector. Led by Adam Heppinstall QC.
- *A v Various Parties (QBD)*:
multi-million-dollar, multi-handed insurance-backed supply chain dispute in the aviation sector.
- *Re B*
advice in relation to high value loss of profits claim in the FMCG sector flowing from allegedly defective refrigeration equipment. Multi-party multi-jurisdiction dispute raising issues of forum non and choice of law.

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.

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

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
- *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, playgrounds, 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

Health & Safety

Rachel accepts instructions across the full range of health & safety matters. She has acted for a wide variety of businesses, and regularly appears in both the civil and criminal courts on her own account. She has experience of being prosecuted by the CPS, HSE and ORR. She is on the HSE's List of Specialist Regulatory Advocates.

Representative Cases

- *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*
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).
- *HSE v Marybelle*
instructed as sole counsel by defendant prosecuted for alleged breaches of PUWER arising out of machine guarding.
- *R v B*
assisted leading counsel in a HSWA prosecution of a sporting body, arising out of a death at a competitive event.

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.

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 in 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

What the directories say

"Rachel has developed an excellent reputation and practice in this area. She is an excellent and persuasive advocate, who wins over judges. She is also very bright and good at working in a team."

Legal 500 2024

"Rachel has a brilliant mind and a wit that makes her personable and a delight to work with. Always there, come night or day, and delivers exceptional results every time."

Chambers UK 2024

"Rachel is exceptionally hands-on, very diligent and incredibly dedicated."

Chambers UK 2024

"Rachel is hard-working, very commercial and incredibly bright."

Chambers UK 2024

"Rachel is a brilliant junior. She is very hard-working, commercial and possesses a first-class intellect."

Chambers UK 2024

'Exceptionally bright, always available, precise attention to detail.'

Legal 500 2023

"A formidable opponent."

Chambers UK 2023

"Rachel is an excellent drafter and is able to immerse herself in the case very well."

Chambers UK 2023

"She is always available and brilliant with the clients. She is authoritative and really knows the documents inside out."

Chambers UK 2023

"She is incredibly hard-working and takes everything in her stride."

Chambers UK 2023

"Rachel is one of the most dedicated and committed barristers I have ever worked with."

Chambers UK 2023

"First-class counsel of the highest calibre... instruct her before your opponent does"

Legal 500 2022

"An excellent barrister and the most dedicated counsel: she is extremely good at putting herself in her client's position."

Chambers UK

"A hard working and able junior who is always ready to lend a hand and tenaciously seeks to get to the heart of the dispute."

Legal 500 2021

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

- Co-author “Abuse of Process in the Civil Courts” (OUP, forthcoming)
- Contributor to “Hodge on Multi Party Actions” (OUP, forthcoming)
- ‘The Rule against Reflective Loss’ Butterworths Journal of International Banking and Finance Law
- “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

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

Awards & Recognitions

