

## Andrew McIntyre

YEAR OF CALL: 2011

Clerk's Email: [PaulsClerkingTeam@brickcourt.co.uk](mailto:PaulsClerkingTeam@brickcourt.co.uk)



## Practice Overview

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Andrew practises in all areas of Chambers' work. His recent cases include *Tchenguiz v Grant Thornton* and *Re Charlie Gard*. He has also appeared for the Second Defendant, Sushovan Hussain, in the *HP/Autonomy* litigation.

Before coming to the Bar, Andrew was a UN legal officer at the Khmer Rouge tribunal in Cambodia. He had previously worked for Yanagida and Partners, a leading law firm in Tokyo, where he advised on the UK, EU and US law aspects of international commercial disputes. Prior to that, he worked in the Constitutional Litigation Unit of the Legal Resources Centre in Johannesburg and as a postgraduate fellow of Harvard Law School.

Andrew has degrees from Oxford University and Harvard Law School. He graduated at the top of his class on the BPTC and won the Student of the Year award at Lincoln's Inn in 2011.

## Commercial

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Andrew worked extensively on cross-border commercial disputes at Yanagida and Partners. His recent experience of commercial litigation includes:

- *HP and Autonomy v Michael Lynch and Sushovan Hussain*: appeared for the Second Defendant (led and unled) in interlocutory hearings in a £3.3 billion fraud claim relating to Hewlett-Packard's acquisition of Autonomy. One of *The Lawyer's* Top 20 cases of 2019.
- *Tchenguiz v Grant Thornton*: instructed by Grant Thornton in multi-billion pound fraud and conspiracy claims brought by the Tchenguiz brothers following the termination of an investigation into their affairs by the SFO (led by Adrian Beltrami QC). One of *The Lawyer's* Top 20 cases of 2018.
- *Medical Research Council v Celltech*: acted for the MRC in a claim for royalties payable on sales of pharmaceutical products under a complex chain of licences and sub-licences
- *Catalyst Managerial Services v Libya Africa Investment Portfolio*: claim for unpaid fees and damages relating to services provided to a subsidiary of the Libyan Investment Authority
- *Almond v MGM Advantage Holdings*: claim for breach of contract by a CEO in the financial services industry

## Public Law

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Andrew has broad experience of domestic and international human rights litigation, having worked on Constitutional Court cases in South Africa, Alien Tort Statute claims in the United States, applications to the

European Court of Human Rights and judicial review claims in the UK. Recent cases include:

- *Ireland v UK* (2018) 67 EHRR SE1: instructed by the UK Government in an application by the Irish State seeking revision of a 1978 judgment of the European Court of Human Rights relating to interrogation of individuals detained in Northern Ireland.
- *Re Gard (Yates v Great Ormond Street Hospital)* [2017] EWCA Civ 410: acted for the parents of Charlie Gard in an appeal to the Court of Appeal, and oral permission application to the Supreme Court, against an order preventing them taking their child for medical treatment overseas (led by Richard Gordon QC)
- *Gard v UK* [2017] 2 FLR 773: instructed by the parents of Charlie Gard in an application to the European Court of Human Rights
- *Rahmatullah v Ministry of Defence* [2017] EWHC 547 (QB): represented the Claimant in an application by the Government for a Closed Material Procedure under the Justice and Security Act 2013 (with Maya Lester QC)
- *Home Secretary v ZAT (Syria)* [2016] EWCA Civ 810: appeared for the UNHCR as intervener in an appeal concerning the admission to the UK of unaccompanied child asylum-seekers (with Marie Demetriou QC)
- *British Gas Trading v Gas and Electricity Markets Authority*: appeal under the Electricity Act 1989 against electricity distribution price controls (acting for UK Power Networks)
- *R (People & Business Development Ltd) v Skills for Care and Development*: judicial review of apprenticeship framework policy in the early years education sector (with Paul Bowen QC)
- *Z v Croatia*: application to the European Court of Human Rights in respect of State's failure to prosecute war crimes and grave breaches of the Geneva Conventions (with Martin Chamberlain QC)
- *R (Philip Morris) v Secretary of State for Health*: claim for judicial review relating to Directive 2014/40/EU on tobacco products (with Marie Demetriou QC)

Andrew has also advised and assisted various public bodies, including the OFT, OFGEM, the FCA, the Ministry of Defence, the Northern Ireland Office and UK Trade & Investment.

## EU/Competition

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At Yanagida and Partners, Andrew worked on several global antitrust cases, including major enforcement actions in the auto parts and garment industries. At Brick Court, his experience of EU and competition law includes:

- *WR Grace v European Chemicals Agency*: representing a US chemicals manufacturer in an appeal against a substance evaluation decision under the REACH Regulation
- *GTS Gas Turbine Services v Rolls-Royce*: acting in a damages claim under Article 102 TFEU for alleged abuse of dominant position in the gas turbine aftermarket
- Advising a pharmaceutical company on standing to challenge the grant of a Marketing Authorisation (with Fidelma Macken SC)
- Advising a multinational dairy producer on compliance with EU food regulations (with Fidelma Macken SC)
- *R (Peel Investment (North) Ltd) v Health and Safety Executive*: challenge under Directive 96/82/EC and the Control of Major Accident Hazard Regulations to the HSE's alleged refusal to provide information (as a pupil, with Martin Chamberlain QC)

## Career & Qualifications

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## **Career**

2011-14 Associate Legal Officer/Greffier, UN Assistance to the Khmer Rouge Trials, Phnom Penh

2012-13 Pupil, Brick Court Chambers

2009-10 Foreign Law Advisor, Yanagida & Partners, Tokyo

2008-09 Human Rights Fellow, Legal Resources Centre, Johannesburg

## **Qualifications**

2011 BPTC, The City Law School (Outstanding)

- Student of the Year, Lincoln's Inn
- Lord Scarman Scholarship (best overall performance on the BPTC)
- OUP Prize for Advocacy and Procedure
- ICLR Busfield Prize for Opinion Writing

2008 LLM, Harvard Law School

- Henigson Human Rights Fellowship
- Kennedy Scholarship

2007 BA (First Class Hons), University of Oxford

- Wronker Prize for Jurisprudence
- First Prize, The Times Law Awards
- Lord Mansfield Scholarship, Lincoln's Inn
- Sweet & Maxwell Prize for Best Overall Performance in Oxford Law Moderations