

Andrew McIntyre

YEAR OF CALL: 2011

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Practice Overview

Andrew practises in all areas of Chambers' work. His recent cases include two of *The Lawyer's* Top 20 Cases of 2019 (*Slater & Gordon v Watchstone*, *HP and Autonomy v Lynch and Hussain*) and one of its Top 20 Cases of 2018 (*Tchenguiz v Grant Thornton*). He has also acted in a number of leading public law cases, including *Re Charlie Gard* and *Rahmatullah v Ministry of Defence*.

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

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

- *Slater & Gordon v Watchstone*: acted for Slater & Gordon in a £637 million claim for fraud and breach of warranty arising from its acquisition of Watchstone's professional services business. One of *The Lawyer's* Top 20 Cases of 2019.

- *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. One of *The Lawyer's* Top 20 Cases of 2018.
- *Jaytee Biosciences v Biosynthesis Pharma Group*: acted for the claimant in a claim and £38 million counterclaim relating to the development of cannabidiol (CBD) products
- *Medical Research Council v Celltech*: acted for the MRC in a £50 million claim for royalties payable on sales of pharmaceutical products under a chain of licences and sub-licences
- *Catalyst Managerial Services v Libya Africa Investment Portfolio*: acted for the claimant in a \$250 million claim relating to services provided to a subsidiary of the Libyan Investment Authority

Public Law

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:

- *Wilson v Northern Ireland Office / Gilroy v PSNI and others*: acted for the Northern Ireland Office in defence of two claims alleging discrimination in internment policy in the 1970s
- *Rahmatullah v Ministry of Defence* [2017] EWHC 547 (QB): represented the Claimant in a claim for damages in tort and under the Human Rights Act arising out of his torture and unlawful detention in Afghanistan
- *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 practices 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 (with 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
- *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)

Competition

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:

- *Iiyama v Samsung and others*: acting for Samsung in defence of a follow-on damages claim relating to TV and computer monitor components
- *Arcelik v LG Electronics and others*: acting for Samsung in defence of a follow-on damages claim relating to TV products
- *BASF v European Chemicals Agency*: represented the intervener, WR Grace, in an appeal against a substance evaluation decision under the REACH Regulation (aluminium chloride)
- *WR Grace v European Chemicals Agency*: represented a US chemicals manufacturer in an appeal against a substance evaluation decision under the REACH Regulation (silicon dioxide)
- *GTS Gas Turbine Services v Rolls-Royce*: acted for the claimant in a claim under Article 102 TFEU for abuse of dominant position in the gas turbine aftermarket
- Advised a pharmaceutical company on standing to challenge the grant of a Marketing Authorisation (with Fidelma Macken SC)
- Advised a multinational dairy producer on compliance with EU food regulations (with Fidelma Macken SC)

Career & Qualifications

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

publications

Salzedo, McIntyre and Shaw, *Fraud and Breach of Warranty* (Bloomsbury, 2020)