devereux

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Andrew Burns KC

SILK 2015 CALL 1993

Areas of Expertise

• Employment • Insurance & Reinsurance • Commercial Litigation and Disputes • Arbitration • Industrial Relations • Restrictive Covenants & Injunctions • Equality • Professional Negligence • Mediation • Investigations • Dismissals & Employment Rights • COVID-19: Commercial Litigation & Disputes • Fraud • Alternative Dispute Resolution (ADR) • Technology

Andrew specialises in complex commercial, employment and industrial disputes, particularly injunctions. He has featured in some of the leading appellate cases in employment law and trade disputes including Kostal v Dunkley (collective bargaining), Malone v British Airways Plc (the BA cabin crew litigation), RMT v Serco (the key authority on strike injunctions), Walker v Co-op (equal pay), Capita v Ali (parental leave discrimination), and Prophet plc v Huggett (restrictive covenant injunctions). He has twice been called to give expert evidence on industrial relations law to Parliamentary Select Committees.

He is also a leading silk in insurance and reinsurance disputes appearing in the Supreme Court in Durham v BAI (Run Off) Ltd (the Employers' Liability Policy Trigger Litigation), in asbestos insurance cases such as Redman v Zurich, and acted in litigation relating to 9/11 reinsurance disputes; (Simmonds v Gammell and Allianz v Tonicstar), with a particular specialism in aggregation of claims. He has recently acted or advised on insurance and reinsurance coverage issues arising from Covid-19 claims, removal of building cladding following Grenfell, and aggregation of professional indemnity claims. He deals with commercial claims and professional negligence recently appearing in Geo-Minerals GT Ltd v Downing.

Andrew has advised and appeared in recent cases about national industrial action involving the NHS, British Gas, Royal Mail, rail companies, power companies, universities, and public services. He appeared in the 2023 nurses' strike injunction, an injunction to prevent a national postal strike (Royal Mail Group v CWU), the Birmingham bin workers' strike case (Birmingham City Council v Unite the Union) and in the key strike case of Ryanair v BALPA. He has appeared in industrial relations matters for British Airways, bus companies, BT, Post Office, Fujitsu and has dealt with

wildcat action, picketing, blacklisting, transport blockades and acted in collective claims.

Andrew has advised major employers about changing contracts of employment following being in the Supreme Court in Kostal v Dunkley and the following cases including INEOS Infrastructure v Jones and was recently successful in defending the £13M claims in Jarvis v British Gas. He is one of the leading experts on inducements relating to collective bargaining and s.145B TULRCA 1992.

He has been involved in collective bargaining and EWC claims in the CAC, EAT and Court of Appeal – appearing recently in Olsten UK v Adecco EWC and in the EAT in easyJet v easyJet EWC and HSBC EWC v HSBC. He does insurance disputes in arbitrations, the Commercial Court and Court of Appeal and formerly appeared in contract actions in the DIFC Court of Appeal.

Andrew is a co-author of the Law of Reinsurance with Colin Edelman KC (3rd Ed. 2021) and Injunctions (15th Ed. 2024) with Sir David Bean. He was for over a decade a general editor of Discrimination Law (Bloomsbury Professional).

Recommendations

"**Andrew is incredibly bright, has great attention to detail, is a strong advocate "on his feet," and also has a very client-friendly manner (i.e., commercial and attuned to client objectives and sensitivities).**" - Employment, Legal 500 2027

"Andrew combines good commercial awareness with a strong knowledge of the law and industrial relations practicalities. He is a true expert in this field who not only puts clients at ease but is always looking numerous steps ahead in terms of the wider strategy." - Industrial Relations, Chambers UK Bar 2027

"Andrew is an enthusiastic and diligent advocate who covers many areas of work". - Insurance, Chambers UK 2026

"Andrew is able to quickly assimilate complex issue and provide clear, straightforward advice. The advice provided has a keen eye on the commercial impact it may have to clients, and is therefore tailored with this in mind." - Insurance, Chambers UK Bar 2025

"Andrew is absolutely exceptional. His brain is the size of Britain and nothing is beyond his capabilities. He is a joy to work with." - Employment, Chambers UK Bar 2025

"Andrew is hugely bright but also approachable and pragmatic, which goes down very well with clients. He is great on his feet; very well-prepared but his style is straightforward and lands well with courts and tribunals." - Employment, Legal 500 2024

"Absolutely brilliant - clients love him for his knowledge and passion and commitment to getting the right result." - Insurance, Legal 500 2024

"Andrew's advice is always on point and he provides clients with a clear and practical path." - Employment, Chambers UK Bar 2023

"He is thoroughly prepared and understands the commercial objectives of the client." -

Employment, Chambers UK Bar 2023

"Andrew is able to assimilate complex issues with ease, and provide clear coherent advice with reference to the current law." - Insurance, Chambers UK Bar 2023

'Hugely bright, but also very approachable and client friendly; pragmatic and doesn't talk down to clients; and responsive and concise. Great to work with.' - Employment, Legal 500 2023

'Very approachable and user friendly, with a methodical approach and straightforward advice provided. Excellent ability to assimilate large quantities of complex documentation and information, cut through this and identify the core issues, and then provide solutions.' - Insurance, Legal 500 2023

Advises clients on a broad range of employment law matters, with a focus on industrial disputes and notable experience of whistle-blowing and discrimination issues. He often acts for major private sector employers. **"He is super smart, he is utterly charming, he is persuasive and the clients love having him in their corner." "He is easy to work with, he is responsive, he knows the field inside out and he can read the court very well." "He is an expert in trade union issues and he makes complex things understandable to clients."** - Employment, Chambers UK Bar 2022.

A respected commercial silk who maintains an insurance and reinsurance practice that includes a strong focus on litigation arising out of employer liability and professional negligence. He also has experience in D&O cases, coverage disputes and insurance claims related to personal injury. **"Andrew is very knowledgeable and very detailed." "He is a class act."** - Insurance, Chambers UK Bar 2022.

"Highly intelligent, very sharp but also client friendly and commercial. Gains the confidence of clients quickly. Also responsive, and turns work around quickly when required." - Employment, Legal 500 2022.

"Highly intelligent, client friendly, commercial and responsive." - Insurance and Reinsurance, Legal 500 2022

"He is go-to for industrial relations issues; he is very client-friendly and forensic in his analysis." He often acts for major private sector employers. **"He is pragmatic, technically excellent and easy to work with."** - Employment, Chambers UK Bar 2021.

"He is a very calm, sensible and systematic advocate. He doesn't get lost in things and presents very clearly and effectively." He also has experience in D&O cases, coverage disputes and insurance claims related to personal injury. **"He's great on his feet and gets the ear of the court."** - Insurance, Chambers UK Bar 2021.

"Very client focused and highly commercial." - Insurance and Reinsurance, Legal 500 2021

"Very pleasant to deal with, responsive and a go-to person for industrial relations work." - Employment, Legal 500 2021

"Combines huge intellect with a commercial and strategic approach." - Employment, Legal 500 2020

"He is a very talented advocate." - Insurance and Reinsurance, Legal 500 2020

"Exceptional counsel: very, very smart, a terrific advocate and a great all-rounder." "A very bright, pragmatic and able lawyer with great attention to detail." - Employment, Chambers UK Bar 2020

"A very formidable opponent." "A strong advocate." - Insurance, Chambers UK Bar 2020

“First class; he is cogent, succinct and has real presence in court.” - Insurance and Reinsurance, Legal 500 2019

“He commands respect and is a firm advocate when on his feet.” - Employment, Legal 500 2019

"Bright, commercial and good with clients." "Energetic, knowledgeable, and a good advocate." - Insurance, Chambers UK Bar 2019

"Very bright, pragmatic and able. He has great attention to detail and inspires confidence." "Good with clients and approachable... He is able to cut through complex cases to distil the key issues." - Employment, Chambers UK Bar 2019

‘He has experience in DIFC employment law matters.’ - Commercial, Legal 500 United Arab Emirates (English Bar) 2019

Expertise

Commercial Litigation and Disputes

Andrew’s focus is on insurance and reinsurance but he acts in a range of commercial contract matters, recently appearing in the Court of Appeal in Geo-Minerals GT v Downing [2023] EWCA Chiv 648. He appeared in Allianz Insurance Plc v Tonicstar concerning the qualification of arbitrators for reinsurance disputes. Andrew has wide experience in commercial litigation in the High Court and County Court as well as internationally - principally in the DIFC Courts - and arbitration. He has also advised in telecommunications and energy claims, as well as business disputes and commercial contract claims. He is advising on the construction of a substantial financial agency agreement and on the insurance and reinsurance issues arising from major injury claims under a PL policy.

He advised about claims under the Riot (Damages) Act 1886 in respect of the 2011 riots in London and other cities, drawing on his involvement in the Court of Appeal in Bedfordshire Police Authority v Constable (Syndicate 386) [2009] Lloyd's Rep IR 607. He was invited to talk to senior claims managers on the topic at the Post Claims Club quarterly meeting.

Andrew acted for the successful reinsured in the recent appeal against an arbitration award concerning an aggregation dispute relating to losses arising from 9/11 dust inhalation claims - Simmonds v Gammell [2016] 2 Lloyd's Rep. 631. He is acting for a leading insurer in reinsurance claims arising from major injury claims. He acted in one of the lead cases in the Supreme Court in Employers' Liability Policy Trigger Litigation. The test cases were about the coverage of Employers' Liability insurance policies in respect of damages for mesothelioma victims. Andrew acted for the insured in a property insurance claim - Aviva Insurance v Brown about fraudulent

means or devices and the definition of dishonesty.

He specialises in contractual construction particularly of commercial documents, but advises on a wide range of national and international disputes, often arising out of the insurance sector or in connection with professional negligence.

Insurance & Reinsurance

Andrew acts for a range of insurers in coverage disputes, aggregation and policy interpretation points. His insurance practice is widely recognised and he acts for well-known city insurance firms – for insureds and insurers. He has recently advised or acted in cases involving Covid-19 claims, removal of building cladding following the Grenfell disaster and aggregation of professional negligence claims.

He is an editor of The Law of Reinsurance with Colin Edelman KC. Andrew represented successful insureds and their families in the Supreme Court in Employers' Liability Policy Trigger Litigation [2012] 1 WLR 867 about the coverage of Employers' Liability insurance policies in respect of damages for mesothelioma victims. He appeared in Redman v Zurich Insurance Plc [2018] 1 WLR 280 concerning long-tail claims under the Third Party (Rights against Insurers) Act 2010.

Andrew also acted for the insured in an insurance fraud case - Aviva Insurance v Brown [2012] Lloyd's Rep IR 211. He is advising on the insurance and reinsurance issues arising from major injury claims under a PL policy.

Andrew acted for the successful reinsured in the appeal against an arbitration award concerning an aggregation dispute relating to losses arising from 9/11 dust inhalation claims - Simmonds v Gammell [2016] 2 Lloyd's Rep. 631. He acted for a leading insurer in reinsurance claims arising from major injury claims. Andrew appeared in the Court of Appeal in Allianz Insurance Plc v Tonic star Ltd [2018] EWCA Civ 434 concerning the qualification of arbitrators for reinsurance disputes.

In Horwood v Argos & Ors, Andrew acted in the insurance coverage dispute arising out of the 'Toxic Sofas' group litigation order. He has acted for a UK insurer in a brokers' D&O claim and for a leading US professional indemnity insurer on a coverage claim in the Commercial Court. He advised a large organisation on coverage of excess layer insurance policy in relation to a multi-million-pound liability for accidental damage arising out of its business.

Andrew appeared in MJ Harrington v Axa Oyak Sigorta and in Tektrol v. International Ins Co of Hanover, an appeal on the construction of exclusion clauses in property insurance policies. He also appeared in Countrywide v. Marshall on aggregation in insurance claims and in Jacobs v. Coster on late notification of insurance claims.

Andrew has experience in advising insurers and claimants about claims under the Riot (Damages) Act 1886 in respect of the 2011 riots in London and other cities, as he was in Bedfordshire Police Authority v Constable (Syndicate 386).

Employment

Andrew has appeared in some of the highest profile employment cases for the largest employers in the UK and internationally. As well as collective claims and industrial relations, he has an established practice in executive whistleblowing claims appearing in Co-operative Group v Walker [2020], Harmeston v Co-operative Group, CEO v UK Tech firm and Wilkinson: a finance director whistleblowing claim. In acts in discrimination cases (including Co-operative Group v Walker on equal pay, in Working Time case (such as Network Rail Infrastructure Ltd v Crawford and the leading case on shared parental leave discrimination - Capita v Ali). He is one of the leading authorities on s.145B claims following Kostal v Dunkley and INEOS. He appeared in Allen v TRW Systems on incorporation of a redundancy payment policy into contracts of employment in the Court of Appeal.

He is one of the 'go-to' barristers for industrial action litigation and collective disputes which complements his busy injunction practice in relation to restrictive covenants, team moves and confidentiality claims recently appearing in Law by Design v Ali and Credico Marketing v Lambert.

He succeeded in the Court of Appeal in Prophet plc v Huggett [2014] EWCA Civ 1013; [2014] IRLR 618 on the construction of restrictive covenants. Andrew is a co-author with Lord Justice Bean of Bean on Injunctions now in its 12th edition - one of the leading texts on the subject.

He is instructed by a wide range of the best employment firms in London and nationally as well as having a substantial commercial practice. Andrew has long been a recognised expert on disability discrimination having appeared in the seminal case on the DDA 1995: Jones v Post Office. Over the last year, he has acted in TUPE consultation multiples, difficult multi-day discrimination cases for the NHS, banks and for city solicitors. He also acts for claimants - and on behalf of a solicitor claimant against a 'magic circle' firm and in the widely reported Sitz v Oppenheimer claim - for the successful female trader against a merchant bank. He has been recommended by both Chambers UK and Legal 500 as a top employment barrister for many years.

Andrew has acted for major retailers in recognition disputes, business transformation and individual executive claims, for a major energy company in a claim by a senior executive, for a developer in an unsuccessful whistleblowing claim by its former CEO, for Sodexo in mass collective consultation claims arising from the government's closure of Covid testing and for a worldwide internet platform employer in developing its industrial relations strategy.

Industrial Relations

Andrew has developed a prominent practice in industrial action and trade dispute litigation, appearing in some of the leading cases of the last few years and advising parties to some of the highest profile trade disputes in the UK. He has recently acted for many of the UK's leading employers in relation to widespread 2022 and 2023 industrial action both in the public and private sector. He appeared for the government in Sec of State for Health v RCN [2023] on the 6-month validity of strike ballots. He has acted for NHS employers, transport companies, logistics businesses, power companies, large construction projects, universities and aviation employers.

He acted for Royal Mail recently and in 2017 in relation to national postal strikes (Royal Mail Group v CWU). He appeared in the 2019 Birmingham bin workers' strike case (Birmingham City Council v Unite the Union) and in the key strike case of Ryanair v BALPA. He has appeared in industrial relations matters for British Airways, bus companies, BT, Post Office, Fujitsu including wildcat action, picketing and transport blockades and in collective actions.

He has experience in industrial action disputes, pay disputes following strikes and legal action to combat alternative 'leverage' action. He has also advised a leading union about industrial action strategy.

He also acts for large employers in relation to a series of collective consultation claims including major retailers. He acted for BT in legal moves to prevent a threatened national strike and for transport companies in legal actions against strikes, for a large utilities company facing industrial action, for two leading logistics and delivery companies facing protest and strike action, for a chain of education academies, an airport ground handling company and a major high street name.

Andrew appeared for the employers in ASLEF v London Midland and RMT v Serco Ltd [2011] ICR 848, the leading case on industrial action law. Elias LJ took the opportunity to review and restate the law on strike ballots and notices.

Andrew has been counsel for British Airways in various claims arising from the high-profile contractual dispute over changes to crewing levels on the airline: Malone v British Airways Plc [2011] ICR 125. BA succeeded in the interim injunction hearing in 2009, at the speedy trial in February 2010 and in the Court of Appeal.

Andrew appeared in EDF Energy Powerlink v RMT [2010] IRLR 114 getting an injunction from Blake J against a threatened strike on the London Underground on the basis that the RMT union had failed to give proper categories in its ballot notice.

Andrew has frequently appeared in the Central Arbitration Committee and EAT on European Works Councils and recognition including Verizon European Works Council v Verizon Group, easyJet Plc v easyJet EWC, Olsten v Adecco Group EWC, Hinrichs v Oracle Corp and Lean v Manpower Group.

Restrictive Covenants & Injunctions

Andrew is a co-author of Injunctions with Sir David Bean one of the leading books in this field.

Andrew appeared for the employees in restrictive covenant cases in Credico Marketing Ltd v Lambert [2021] EWHC 204 (QB) and Ali v Law by Design Ltd [2022] EWCA Civ 778.

As well as appearing for British Airways in the injunction claim up to and including the Court of Appeal in Malone & Ors v British Airways Plc [2011] ICR 125, Andrew has acted for a variety of leading employers in relation to restrictive covenant disputes including team moves. He appeared in World Fuel Services v Aegean Marine Petroleum in which Blair J granted a springboard injunction against a marine fuel company based on a breach of confidence.

He succeeded in overturning the controversial decision in Prophet plc v Huggett [2014] EWCA Civ 1013. The Court of Appeal held that a strict interpretation should be given to the construction of restrictive covenants in an expedited injunction claim.

Andrew acted for the employer in a recent committal for contempt of court arising from breach of undertakings in a confidentiality and restrictive covenant injunction – Plant Health Care v Holohan.

Andrew continues to be busy with a number of substantial restrictive covenant injunctions in the High Court, acting both for major businesses and for individuals. He acted for leading patent attorneys in a confidentiality injunction claim and for an international engineering company restraining activity outside the UK, as a well as a mortgage broker moving to a new employer. He has acted in obtaining and resisting High Court freezing injunctions involving disputes over security for costs, fortification and non-disclosure issues as well as a number of confidentiality injunctions

Equality

Andrew has long been recognised as a leading expert in discrimination and was in some of the leading cases on the DDA 1995 including Jones v Post Office in the Court of Appeal and Ekpe v Comm of Metropolitan Police.

He appeared in the Court of Appeal in Co-operative Group v Walker on equal pay, Network Rail Infrastructure Ltd v Crawford on working time, British Airways v Pinaud on part-time workers and the leading case on shared parental leave discrimination - Capita v Ali.

He has acted for various retail and merchant banks in high value discrimination claims and various NHS Trusts in a number of high-profile discrimination and whistleblowing claims. He acted for Zenith Bank in a race and religious discrimination claim and in the EAT. He appeared for the successful claimant in Sitz v Oppenheimer Bank, a much-publicised sex discrimination and victimisation claim against a US finance firm, and a large religious discrimination claim against a US bank. He appeared for a solicitors' firm in defending claims by its former senior partner.

Andrew has acted in complex indirect discrimination and equal pay claims for clients such as British Airways and has successfully defended BT in a senior employee age discrimination claim. He has also recently advised upon, and represented clients in, large multiple fixed term worker claims.

Professional Negligence

Andrew acts for a range of insurers on professional negligence claims against lawyers, insurance brokers, surveyors, valuers and financial advisers.

Andrew successfully defended a barrister in an unmeritorious, but complex, professional negligence claim concerning discrimination litigation - Begum v Neejam LLP which included allegations of settlement at an undervalue and issues such as the assessment of loss of a chance in respect of discrimination compensation. He is also acting for solicitors in a claim by a high-profile former executive.

He acted in a High Court claim by a former Premier League chief executive against a leading firm of solicitors.

Andrew has acted for and against solicitors in solicitors' negligence claims arising out of litigation and property transactions. He has been instructed on behalf of the BMIF to act for barristers (including a claim against a silk), particularly in employment disputes. Andrew has acted in professional indemnity disputes arising out of claims against architects, designers and engineers.

Arbitration

Andrew acts for a range of insurers on professional negligence claims against lawyers, insurance brokers, surveyors, valuers and financial advisers.

Andrew successfully defended a barrister in an unmeritorious, but complex, professional negligence claim concerning discrimination litigation - Begum v Neejam LLP which included allegations of settlement at an undervalue and issues such as the assessment of loss of a chance in respect of discrimination compensation. He is also acting for solicitors in a claim by a high-profile former executive.

He acted in a High Court claim by a former Premier League chief executive against a leading firm of solicitors.

Andrew has acted for and against solicitors in solicitors' negligence claims arising out of litigation and property transactions. He has been instructed on behalf of the BMIF to act for barristers (including a claim against a silk), particularly in employment disputes. Andrew has acted in professional indemnity disputes arising out of claims against architects, designers and engineers.

Mediation

Andrew has acted in numerous mediations, including judicial mediations. His collaborative style has led to numerous successfully mediated conclusions to complex disputes.

Andrew has acted for a range of insurers and for many commercial city solicitors. He specialises in contractual construction particularly of commercial documents, but advises on a wide range of national and international disputes, often arising out of the insurance sector or in connection with professional negligence.

Andrew also acts as a mediator in commercial and employment disputes and currently has a very strong record for settling disputes either during or soon after a mediation. He is frequently recommended as a mediator in large city employment disputes. He recently successfully mediated a complex discrimination dispute between senior managers and a multinational company.

Feedback from the parties on recent mediations includes:

"I think he did a terrific job, with two parties who were at loggerheads. He was calm, patient but firm which is everything you would want from a mediator and yet he made clear that he has clout as an experienced advocate in this subject area and therefore gave credibility to what he was saying." (City solicitor acting for the claimant in a complex High Court employment dispute).

Appointments

Deputy High Court Judge

Recorder of the Crown Court

Chancellor of the Diocese of Guildford

Bencher of Middle Temple and Advocacy, Ethics and E&D Trainer

Member of the Bar Standards Board Professional Conduct Committee (2007-2013)

Head of Devereux Chambers (2021-2026)

Chair of the Chambers Supervision Committee (2016-2021)

Head of the Chambers Pupillage Committee (2007-2012)

Memberships and Associations

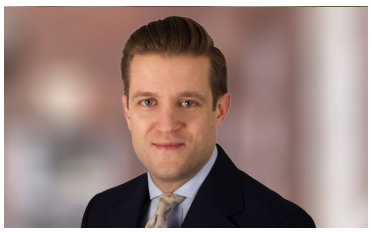
COMBAR, ELA, ELBA, ILS, LBA, PNBA, ELS

Academic

MA (Downing College, Cambridge)

Awards

For enquiries & instruction please contact



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