



serle court

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## Andrew Bruce

Year of Call: 1992

*"He's just a brilliant barrister. His written opinion is very clear, he doesn't sit on the fence and will tell you how it is but does so in a very user-friendly manner." "A great cross-examiner and a great advocate. He is very clear." "A sophisticated advocate. He is good on his feet and clients like his manner."*

Chambers & Partners

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## Practice Overview

Andrew has a commercial and chancery practice with a particular focus on property-related work. He is regarded as one of the leading senior juniors in real estate litigation and has been described as “an exceptional talent in the property sphere”. In addition, Andrew has a noted art law practice and is highly-rated for professional negligence work, acting for both claimants and defendants, in matters ranging from high-profile claims in respect of Old Master Paintings to claims against architects in respect of residential developments and claims against solicitors relating to international corporate transactions. Andrew also regularly acts in high-value commercial litigation and is a “skilful advocate” who is “effective in digging under the surface to uncover the real issues”.

Andrew has sat as a (part-time) Deputy District Judge since 2004 and as a (part-time) Judge of the First-Tier Tribunal (Property Chamber) since 2008. In 2019 Andrew was appointed to the Pool of Arbitrators for the Court of Arbitration for Art (CAfA) in The Hague.

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## Areas of Expertise

### Property

Andrew is one of the leading senior juniors at the Property Bar. He has been described as “a very driven advocate who is able to absorb a lot of information very quickly” and who “can win the unwinnable”. Andrew is a past committee member of the Property Bar Association and was appointed a (part-time) Judge of the First-Tier Tribunal (Property Chamber) in 2008.

Andrew’s cases of note include:

Phillips v. Wheeler [2023] (unreported). Successfully represented the Defendants who were alleged to have fraudulently misrepresented that the home they were selling was “not affected by Japanese Knotweed”.

HAE Developments Ltd v. The Croft Ealing Ltd [2022] UKUT 120 (LC). Acted for the Objectors on an application to modify restrictive covenants to permit construction of a block of 8 apartments on the site of a large house in Ealing.

Kelleher v. Castlebourne Homes (Rock) Ltd [2020] (unreported). 5-day (entirely remote) trial as to the nature and extent of a right of way in Trebetherick, Cornwall.

Howard v. Chelsea Yacht and Boat Company Ltd [2018] EWHC 1118 (Ch). Acted for the Port of London Authority in litigation relating to residential moorings at Chelsea Reach.

Humphrey v. Rogers [2017] EWHC 3681 [Slade J]. Represented successful claimants at first instance and on appeal in restrictive covenant case relating to the conversion of a farm building into residential accommodation.

Hennessey v. Kent [2017] UKUT 243 (LC). Represented successful Applicant on application to Upper Tribunal (before Deputy Chamber President & a Member) to modify a restrictive covenant. The modification permitted the Applicant to build 2 additional houses on her land, despite these houses obstructing the views of the objector from his property. The case has received significant attention in the legal press because of how the judgment deals with conduct, compensation and costs.

Schmid v. Fellner (2016) EWHC Ch [Soole J]. Represented Eric Fellner (producer of Bridget Jones’ Diary) in the High Court in his defence of a claim for specific performance of a contract relating to the sale of Mr Fellner’s home at Pyrton Manor in Oxfordshire for £16m.

Calhaem v. Gentil [2016] EWLandRA 2015 0272. Represented applicant on successful adverse possession claim in

respect of part of garden of residential property in Dunstable

Re.: 3 Aylmer Drive, Stanmore [2014] UKUT 0153 (LC). Represented objectors on an application to modify a restrictive covenant under s.84(1)(aa) Law of Property Act 1925. Objectors were awarded compensation of £75,000 and their costs (Instructed by Hunters Solicitors)

Miller & ors v. Patterson (2014). Dispute in relation to rights of access to woodland for establishment of a training apiary (Instructed by Rawlison Butler)

Ullah v. Ullah [2013] EWHC 2296 (Ch). 5-day High Court trial of claims to a substantial property portfolio based upon alleged constructive trusts. Andrew represented the successful Defendants (Instructed by George Carter LLP).

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## **Professional Negligence**

Andrew has been described as “a very safe pair of hands” in connection with professional negligence matters and he has considerable experience of professional negligence claims involving solicitors, architects, surveyors, accountants and auctioneers. Examples include:

Instructed by Boodle Hatfield LLP to represent the Claimants in Thwaytes v. Sotheby's [2015] EWHC 36 (Ch) a professional negligence claim against Sotheby's in respect of the attribution of Caravaggio's 'The Cardsharps'

Acted in 5-day action in High Court in Cardiff in claim brought against architects in respect of the residential development of a site in Gloucestershire (Instructed by Geldards LLP) (2012)

Instructed on the property-related professional negligence claims arising out of the administration of Lexi Holdings plc. The last of the claims (against valuers and solicitors) settled in September 2012 (Instructed by DLA Piper).

Represented F Inc (a US company) in multi-million US\$ professional negligence claim against X LLP (an international law firm). Claim settled in November 2011 (Instructed by Pinsent Masons).

Represented the Claimants in a professional negligence claim against a leading auction house in relation to a painting of 'Salome' which is now attributed to Titian and is now established to have been in the royal collection of Charles II. The claim settled immediately before trial, but was widely reported. (2007-2010).

Lexi v. DTZ [2010] EWHC 2290 (Ch). Late amendment of pleadings to allege illegality (Instructed by DLA Piper).

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## **Art & Cultural Property**

Andrew has a particular interest and expertise in matters relating to art. In addition to acting in claims against auction houses in respect of negligent advice or misattribution, he has also advised in connection with claims about the manuscripts of Sir Malcolm Arnold. Many of the cases on which Andrew works, whether they concern art-works by Modigliani or Henry Moore, or Collections of wine or priceless frescoes, are sensitive and confidential.

Andrew was junior counsel in Thwaytes v. Sotheby's [2015] EWHC 36 (Ch) in which the Court held that Sotheby's was not professionally negligent in its research and advice in respect of a painting of 'The Cardsharps' in 2006. The painting was subsequently sold as a 17th Century copy, but later exhibited as and attributed to the hand of Michelangelo Merisi da Caravaggio (known as Caravaggio).

Andrew represented the Claimants in a claim against a leading auction house for negligence and breach of duty as to the research carried out and advice provided in relation to a painting now thought to be by Titian. The painting was

sold by the Claimants through the Defendant in 1994 for £8,000, but was offered for sale at auction in January 2009 with an estimate of \$4-6 million. The proceedings were issued in 2007, settling the day before trial (four years later), and the dispute attracted extensive media interest on the basis of the Court papers. (Instructed by Boodle Hatfield LLP).

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## **Commercial Litigation**

Andrew deals with a wide-range of commercial and contractual disputes. His experience dates back to his appearance in the landmark House of Lords case of *Ruxley Electronics v. Forsyth* [1996] 1 AC 344 (the case of the swimming pool that was built too shallow).

Recent work includes:

Represented the Applicant in *Joint Stock Company Aeroflot v. Leeds & ors* (2017) EWHC 2403 Ch where Mann J acceded to the application to adjourn a complex fraud trial on the grounds of the Applicant's ill health. The Applicant, Mr Glushkov, was alleged to have conspired with Boris Berezovsky to defraud the Russian state airline of substantial sums between 1995 & 1999. The trial was listed for 28 days and was fixed to commence, at the time of the application, in 1 month's time. This was the second adjournment which Mr Glushkov, who was intending to represent himself at the trial, had sought.

Represented Bank of Scotland plc in connection with claims relating to a legal charge over a very substantial residential property (2013) (Instructed by SNR Denton UK LLP)

Represented a US corporation in connection with claims arising out of US ex-patriate tax equalisation calculations (2013) (Instructed by Boodle Hatfield LLP).

*Company Developments v. Coffee Club & ors* [2011] EWCA (Civ) 766. The Court of Appeal upheld the Claimant's construction of a guarantee despite there being obvious mistakes in the drafting undertaken by the Claimant's (then) solicitors. Andrew represented the successful Claimant.

*Sinocare Group Ltd v. Biran* [2010] EWHC 2433 (Ch) & ongoing. Proceedings concerning a freezing injunction obtained by a Hong Kong company carrying on business in the healthcare sector of the People's Republic of China (Instructed by Peters & Peters).

Andrew was instructed in various proceedings arising out of the administration of Lexi Holdings plc (a company which provided bridging finance) (2008-2012)

Andrew was junior counsel in claims (valued at US\$156m) brought by various investors in connection with an unsuccessful investment venture in Azerbaijan. Led by Dominic Dowley QC (2006-2008).

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## **Banking and Financial Services**

Andrew's ability in banking & finance work has been recognised by Legal 500 since 2007. His recent work has served to enhance his reputation.

Represented Bank of Scotland plc in connection with claims relating to a legal charge over a very substantial residential property (2013) (Instructed by SNR Denton UK LLP)

Advised investors in relation to drag-along rights in connection with the sale of a London hotel (2012) (Instructed by Dechert LLP)

Company Developments v. Coffee Club & ors [2011] EWCA (Civ) 766. The Court of Appeal upheld the Claimant's construction of a guarantee despite there being obvious mistakes in the drafting undertaken by the Claimant's (then) solicitors. Andrew represented the successful Claimant.

Funding Corp Block Discounting LLP v. Lexi Holdings plc [2008] BCLC 596 & [2011] EWHC 3101. Hearings concerning the construction of a Deed of Release entered into by Barclays Bank plc. Led by Philip Marshall QC (Instructed by DLA Piper).

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## **Civil Fraud**

Andrew regularly advises and appears in matters involving civil fraud. Examples include:

Acted for hedge fund manager in obtaining search order against a former employee (2011/2012).

Lexi v. DTZ [2010] EWHC 2290 (Ch). Late amendment of pleadings to allege illegality (Instructed by DLA Piper).

Sinocare Group Ltd v. Biran [2010] EWHC 2433 (Ch) & ongoing. Proceedings concerning a freezing injunction obtained by a Hong Kong company carrying on business in the healthcare sector of the People's Republic of China (Instructed by Peters & Peters).

Renault UK Ltd v. Fleetpro [2008] Bus LR D17. Case involving fraudulent misrepresentations in connection with fleet car sales.

Marlwood Commercial Inc v. Kozeny [2007] EWHC 950 (Comm). Extension of a freezing order to assets over which it was alleged the Defendant had substantive control despite their being held on discretionary trusts.

Marlwood Commercial Inc v. Kozeny [2006] EWHC 872 (Comm). Heavy application in commercial court to strike out US\$156m claim in deceit arising out of unsuccessful investment venture in Azerbaijan.

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## **Chancery**

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## Recommendations

Best Lawyers: Real Estate Litigation (2021-2024)

Who's Who Legal UK Bar: Real Estate (2019-2023)

Who's Who Legal UK Bar: Real Estate - Most Highly Regarded Junior (2021)

Citywealth Leaders List - Art Advisory (2019-2023)

Chambers & Partners: Art & Cultural Property (2017-2022)

Chambers & Partners: Real Estate Litigation (2005-2022)

Chambers & Partners High Net Worth - Art & Cultural Property (2019-2023)

Legal 500: Property Litigation (2006-2023)

Legal 500: Banking & Finance (2008-2016)

Legal 500: Professional Negligence (2012-2019)

Legal 500: Art and Cultural Property (2019-2023)

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## Quotes

*"Andrew is my go-to counsel for detailed legal analysis in complex art matters. He provides clear and reasoned advice that is easily digestible for a client. He is aware of the commercial nuances of the art market and feeds this seamlessly into his advice."* (Chambers & Partners HNW, 2023)

*"A tenacious advocate who also prepares carefully considered written opinions."* (The Legal 500, 2023)

*"Andrew is a first-class barrister and a stand out choice for complex property matters. His advice, both written and in conference, is not only clear but decisive, not sitting on the fence but giving practical and commercial options to resolving disputes in addition to the law."* (The Legal 500, 2023)

*"Andrew's strengths include incisive cross-examination and great depth of experience in this field."* (The Legal 500, 2022)

*"A great cross-examiner and a great advocate. He is very clear." "A sophisticated advocate. He is good on his feet and clients like his manner."* (Chambers & Partners, 2022)

*"A sharp advocate" and "a highly specialised junior who gives clear, reliable and understandable advice."* (Who's Who Legal, 2021)

*"He is very good on detail and is not afraid to take difficult points." "We use him for definitive answers, if we have a situation where we need to know an answer before going into litigation."* (Chambers & Partners HNW, 2021)

*"A strong advocate who is not afraid to broach difficult areas of cross-examination. Also offers clear and concise written opinions. Has sharp and technical knowledge of art law."* (The Legal 500, 2021)

*"His advice is clear, accurate and authoritative. He has a knack of making complex legal matters easily*

*understandable to clients.*" (The Legal 500, 2021)

*"A lawyer who is very knowledgeable on art law, especially when it comes to technical issues like authenticity and title." "He is very intelligent and no-nonsense in his approach. His drafting skills are of good quality and assist him in nailing the case."* (Chambers & Partners, 2021)

*"He is very responsive, gives clear and succinct advice and is good with clients." "He's just a brilliant barrister. His written opinion is very clear, he doesn't sit on the fence and will tell you how it is but does so in a very user-friendly manner."* (Chambers & Partners, 2021)

*"very knowledgeable in art law, especially on very technical issues like authenticity and title. He is definitely a barrister I would consider if I had an art issue in the UK"* (Chambers & Partners HNW, 2020)

*"He is one of our go-to barristers. He is very intelligent, no-nonsense and has good drafting skills which nail the case."* (Chambers & Partners HNW, 2020)

*"He is very bright. He has really good attention to detail and technical knowledge. He is good with clients and very easy to work with."* (Chambers & Partners HNW, 2020)

*"Technically good and an effective advocate" "He is very clear in explaining why he has chosen a particular option, and clients always feel reassured by him."* (Chambers & Partners, 2020)

*"He is very useful and has done some very, very big cases. He really knows his stuff." "He did a good job cross-examining and has done a good job on what was a major case in the art world."* (Chambers & Partners, 2020)

*"Very clever and excellent in dealing with complex property issues"* (The Legal 500, 2020)

*"He is very good on the technical law and incisive cross-examiner."* (The Legal 500, 2020)

*"Experienced in professional negligence cases"* (The Legal 500, 2020)

*"He is incredibly thorough and incredibly quick at turning stuff round. He is a go-to name,"* (Chambers High Net Worth, 2019)

*"He is very useful and has done some very, very big cases. He really knows his stuff."* (Chambers High Net Worth, 2019)

*"he does a good job cross-examining,"* (Chambers High Net Worth, 2019)

*"Very approachable and commercial, he becomes part of the team rather than an adjunct to it. He has a sharp intellect and is very quick on his feet." "An amazing advocate who is approachable and easy to deal with."* (Chambers & Partners, 2019)

*"Very well regarded, incredibly thorough and someone whose written work is excellent. He is very analytical and clever, and takes a direct approach to advocacy."* (Chambers & Partners, 2019)

*"Very good on the technical law and is an incisive cross-examiner."* (The Legal 500, 2019)

*"Relates well to clients who like and trust him."* (The Legal 500, 2019)

## **Publications**

[Adverse Possession: The Common Boundary Exception](#) - Solicitors Journal 15/09/2020

[Secrecy in the Art Market](#) - #SerleShare 25/09/2020

[Modification of covenant impeding reasonable user of land \(Payne v Maldon DC\)](#) - LexisPSL 12/11/2019

[Offices to flats: a rare modification?](#) - *New Law Journal* 2/10/2019

[The law and knotweed - are the floodgates now open for legal action?](#) - *Property Week* 18/12/2018

The Injunction in Question - *Estates Gazette* 03/01/2018

No room for views - *New Law Journal* (2017) 167(7767), 10

Dreamland and Banksy in the High Court - *Solicitors Journal* 22.09.2015

## **In the Press**

[‘Art and Sustainability: evolving trends and established traditions’](#) interview for Citywealth, March 2022

[‘Adverse Possession: The Common Boundary Exception’](#) article for Solicitors Journal, 15 September 2020

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## **Education & Qualifications**

Jesus College, Oxford - MA (Jurisprudence)

Winner of Inns of court Studentship

Harmsworth Exhibitioner and Benefactors’ Scholar of Middle Temple

## **Appointments**

Deputy Adjudicator to HM Land Registry (now (part-time) Judge of the First-Tier Tribunal (Property Chamber)) - December 2008

Deputy District Judge - December 2004

Arbitrator for the Court of Arbitration for Art - 2019

## **Memberships**

Chancery Bar Association

Property Bar Association (Committee Member 2004-2011)

Professional Negligence Bar Association

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