



serle court

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Andrew Gurr

Year of Call: 2020

"Extremely bright, hardworking and responsive. Great client care"

Client

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Practice Overview

Andrew has a busy Commercial Chancery practice across Chambers' core areas, with interests in civil fraud and asset tracing, offshore and domestic trusts litigation, commercial disputes, company law, and property law. He has appeared in the High Court and Court of Appeal, and acts both alone and in larger teams. Andrew particularly welcomes instructions which involve legal or factual complexity, and which involve international teams working across multiple jurisdictions

Andrew joined Chambers in October 2021 following the successful completion of pupillage. He sat with Gareth Tilley, Dan McCourt Fritz KC, James Brightwell (now Master Brightwell), Matthew Morrison and Christopher Stoner KC.

Andrew spent his first six months in practice on secondment to Peters & Peters Solicitors LLP, where he worked closely with solicitors and counsel on complex and high-profile fraud and commercial litigation.

Before joining Serle Court, Andrew studied law at Clare College, Cambridge. He graduated with a double first- class undergraduate degree, the top mark on the Cambridge LLM and several university prizes and scholarships. During his BPTC year Andrew was a Queen Mother's Scholar at Middle Temple and taught Land Law at Wolfson College, Cambridge.

Areas of Expertise

Company

Advised (with Justin Higgo KC) on a shareholder dispute involving a substantial UK business in a difficult family context

Instructed (as sole counsel) on a confidential matter involving claims for the calculation of sums owing under an SPA.

Re Deal Partners Limited: Assisted Dan McCourt Fritz in preparing a winding-up petition on the just and equitable ground, including allegations of breaches of directors' duties.

Loveridge v Loveridge [2021] EWCA Civ 1697: Assisted Lance Ashworth KC and Dan McCourt Fritz KC in relation to a successful appeal against a refusal to strike out an unfair prejudice petition.

BIG Ltd v Smith [2021] EWCA Civ 912: Assisted Dan McCourt Fritz KC in relation to a successful appeal concerning the operation of the rule in *Sevilleja v Marex* and its interaction with the Contracts (Rights of Third Parties) Act 1999.

Private Client Trusts and Probate

Re Interim Executives Group Pension Schemes: Acts for the Public Trustee of Guernsey in relation to proceedings in England and Guernsey arising out of the improper administration of Guernsey registered pension schemes

Yuntian 10 Leasing Co DAC v Dream Aircraft Ltd & Ors: instructed (with Justin Higgo KC) on behalf an overseas trust company resisting claims by a creditor of the settlor to a final charging order over a property held on trust

ITG Ltd v Fort Trustees Ltd: Instructed in relation to ongoing proceedings for the determination of Trustee indemnity claims against insolvent trusts. As a pupil, Andrew assisted James Brightwell (now Master Brightwell) in the landmark Privy Council appeal: [2022] UKPC 36

Acts (with Giles Richardson KC) in advising on a confidential matter involving offshore trusts of very significant value

Patra v Patra: Acted (with Justin Higgs KC) in proceedings relating to the administration of trusts holding shares in a substantial family business

Assisted John Machell KC and Dan McCourt Fritz KC in relation to an appeal in the Court of Appeal for Bermuda against a decision to replace the corporate trustee of a very large Bermuda trust.

Assisted James Brightwell in advising a UK settlor on inheritance and capital gains tax issues.

Commercial Litigation

Instituto de Salud Para El Bienestar v Viva Enterprises Ltd & Anor: Acted (with Zoe O'Sullivan KC) for a procurement body within the Mexican public health system in a US\$41 million fraud claim arising out of a contract for the supply of ventilators during the Covid-19 pandemic, including an application for interim proprietary injunctions and asset disclosure orders.

Buttonwood Legal Capital Ltd v Huttunen: see above.

Crane Legal Ltd & Anor v Huttunen: Acted (as junior counsel) on behalf of the administrator of the Estate of Mr Mohamed Bahgat in successfully defending a summary judgment application in relation to claims by Mr Bahgat's former solicitors (). The proceedings raise novel issues affecting the validity of CFAs under s.58 of the Courts and Legal Services Act 1990.

MM Locums Ltd v Malling Health: Instructed (as sole counsel) on behalf of the claimant in proceedings for the recovery of underpaid VAT arising out of medical supply contracts

Green GRP Limited v Northside Truck and Van Limited: Assisted Matthew Morrison in acting for the successful Defendants in the trial of a claim for breach of contract relating to the supply of trucks to a major haulage company in the Chancery Division Business List (Leeds District Registry). Appeared unled in the Court of Appeal in resisting the Claimant's unsuccessful application for permission to appeal.

Andrew has experience advising on and acting in matters relating to the enforcement of Judgments.

Civil Fraud

İşbilen v Turk: (with Dan McCourt Fritz KC KC and Tim Benham-Mirando) £40mn multi-jurisdictional claim involving allegations of fraud and undue influence and complex asset tracing, and related claims against third parties. Andrew has been involved in:

- (as a pupil) successful applications for a worldwide freezing and passport order, interim proprietary injunctions and asset disclosure orders, and cross-examination on asset disclosure ([2021] EWHC 854 (Ch)),

- (while on secondment to Peters & Peters) successful applications for a Search Order, Norwich Pharmacal/Bankers' Trust relief and ancillary third party discovery in the USA ([2022] EWHC 572 (Ch) and [2022] EWHC 697 (Ch), and in defending an application for reverse summary judgment ([2021] EWHC 2425 (Ch)); and

- (since returning to chambers) preparing and appearing in relation to a committal application, applications relating to privilege and permission under collateral use undertakings ([2022] EWHC 3432 (Ch)), and an

application for summary/default judgment. *Instituto de Salud Para El Bienestar v Instituto de Salud Para El Bienestar v Viva Enterprises Ltd & Anor*: see above.

Equity Real Estate (Bracknell) Ltd & Ors v Patel & Ors: Acts (with Justin Higgo KC and Stephanie Thompson) for for five SPVs who are the victims of a substantial property fraud.

Taylor v Khodabakhsh [2021] EWHC 655 (Ch): Assisted Lance Ashworth KC and Dan McCourt Fritz in acting for the successful respondents to an application for freezing and proprietary injunctions in support of a claim to set a judgment aside on the basis of fraud.

Seedo v El-Gamal and Others: Assisted Matthew Morrison in acting for the successful claimant in an accounts and inquiries process following the trial of claims in breach of trust, breach of fiduciary, deceit and dishonest assistance arising out of a property fraud.

Charities

Re Keeping Kids Co [2021] EWHC 175 (Ch): Assisted Gareth Tilley in acting for the Official Receiver in the 10- week trial of directors' disqualification proceedings brought against former directors of an insolvent charity.

Insolvency

Lemos v Church Bay Trust Co: Instructed (with Thomas Elias) on behalf of a Defendant to s.423 claims on the basis of historic allegations relating to the disposition of shares in a Liberian SPV used to hold a matrimonial home.

Re Deal Partners Limited: Assisted Dan McCourt Fritz KC in preparing a winding-up petition on the just and equitable ground, including allegations of breaches of directors' duties.

Re Keeping Kids Co EWHC 175 (Ch): Assisted Gareth Tilley in acting for the Official Receiver in the 10-week trial of directors' disqualification proceedings brought against former directors of an insolvent charity.

ITG Limited v Fort Trustees Ltd: Assisted James Brightwell (now Master Brightwell) in relation to a landmark Privy Council appeal on trustee indemnities and the priority of claims in the distribution of 'insolvent' trust funds.

Property

Newcombe v Bayliss & Anor: Instructed (with John Machell KC) in proceedings brought against trustees in bankruptcy for declarations as to the beneficial interest in a family home arising under an unusual express declaration of trust.

Public Trustee of the Bailiwick of Guernsey v Red River Properties Ltd & Anor: Acted (with James Brightwell, now Master Brightwell) for the Public Trustee of Guernsey in a successful application for a vesting order in relation to English land held subject to the trusts of a Guernsey registered pension scheme, in circumstances where the former trustees of the scheme had refused to comply with orders that the property be transferred made in Guernsey proceedings.

Assisted Christopher Stoner KC in advising on potential claims for maritime trespass.

Before entering practice, Andrew taught Land Law at Wolfson College, University of Cambridge.

Banking and Financial Services

Buttonwood Legal Capital Ltd v Huttunen: Acts (as junior counsel) for the administrator of the estate of Mr Mohammed Bahgat in defending claims arising out of funding arrangements entered into for the purposes of BIT arbitration proceedings. The claims raise complex issues relating to the consumer credit regulations and FSMA 2000.

Assisted Dan McCourt Fritz KC in advising a major UK bank on a restitution claim based on mistaken payments connected with an identity fraud.

Matrimonial Finance: Trusts and Company law

While at University, Andrew conducted postgraduate research on the responses of family courts to complex trusts in England and New Zealand (supervised by Joanna Miles) and wrote a prize-winning undergraduate dissertation on the enforcement of civil judgments and family financial orders.

Publications

Practice Note: Costs in trusts litigation, Practical Law (Thomson Reuters, August 2021) with Matthew Morrison and Ruth Jordan.

Scholarships and Prizes

Chancellor's Medal for English Law (Cambridge)

BRD Clarke Prize for Best Overall Performance in the LLM (Cambridge)

Goff and Jones Prize for the Law of Restitution (Cambridge)

CMS Prize for Advanced Private Law (Cambridge)

5 Stone Buildings Prize for Succession Law (Cambridge)

Lady Clare Precious Pearl Prize (Clare College, for best performance in an Arts dissertation)

Queen Mother Scholarship (Middle Temple)

Advocate of the Year Scholarship (BPP University)

Wright Rodgers Scholarship (Cambridge, for the study of English Law)

James William Squire and Rebecca Flower Squire Scholarships (Cambridge)

Foundational Scholarship (Clare College)

Education & Qualifications

Clare College, University of Cambridge: BA(Hons), Law Tripos (Double First, 2nd in year)

Clare College, University of Cambridge: LLM in Commercial Law (First with Distinction, 1st in year)

BPP Leeds: BPTC (Outstanding)

Appointments

Wolfson College, University of Cambridge: College Teaching Associate 2019-2020
