



New Park Court

Andrew Bowen QC

#### Leeds

16 Park Place  
Leeds  
LS1 2SJ

DX: 26401  
Leeds Park Square  
T: +44 (0)113 243 3277  
E: [clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)  
F: +44 (0)113 242 1285

#### Newcastle

16 Park Place  
Leeds  
LS1 2SJ

DX: 61012  
Newcastle-Upon-Tyne  
T: +44 (0)191 232 1980  
E: [clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)  
F: +44 (0)191 232 3730



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## Andrew Bowen QC

Year of call 1997 / 2012 (Scotland)

For enquiries please call +44 (0)113 203 5504 or email

Andy Bowen QC read law at Oxford and London Universities and practices both in England and in Scotland where he took silk in 2012. He became a Fellow of the Chartered Institute of Arbitrators in 2016. He has an established practice north and south of the border, which includes commercial and regulatory litigation and arbitration. His dual-qualification and international experience offers a relatively unique perspective on commercial and regulatory disputes.

Andy is recommended in the Legal 500 2017 as a Tier 1 Leading Silk in Scotland for commercial litigation, described as "A concise communicator, who unpicks complex scenarios."

## Civil & Commercial

As a junior in both England and Scotland Andy's practice covered a broad range of civil and commercial work, including contractual and property litigation, insurance, professional disciplinary and liability, company litigation including shareholders disputes and directors' fiduciary duties, cross-border issues and arbitration. Since taking silk his practice has focused on more complex and high value commercial litigation.

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# Commercial / Company

## Relevant Experience

- Representing partner of a garage business in commercial action over breach of warranty of SPA claim brought by former partners.
- Representing shareholder in a derivative action against director of 'on-line' business who had failed to account for investment funds/breach of duty.
- Representing a development company in a commercial action in quantum meruit claim for 'stolen' planning permission for an airport hotel where company had an option to buy.
- Advising development company on defending claim for breach of contract on purchase of commercial property on basis of misrepresentation.
- Advising UK factoring company on recoverability of debt assigned by 'related' company.
- Advising partners on enforceability of 'finder's fee' for sale of aircraft.
- Advising wind farm owners on construction of agreement to share grid rights.
- Advising company on construction of contract with DWP for provision of employment services.
- Advising director of UK company on enforceability of guarantee in claim brought by liquidator.
- Advising directors on 'hive out' of assets of company in liquidation, on adjustment of prior transaction/directors' personal liabilities.

# Property

## Relevant Experience

- Acting for claimant partnership in claim for negligent drafting of contract for sale of land and consequent loss of back-to-back sale.
- Advising liquidator on 'insurable interest' on insurance for commercial property damaged in fire.

# Construction

## Relevant Experience

- Acting for sub-contractor in variation claims against main contractor arising out of construction of major concert venue in Glasgow, 2 week commercial trial end of April/May 2016.

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# Professional Negligence

## Relevant Experience

- Acting for claimant director / shareholder / company assignee in claim against solicitors for negligent advice on company re-structuring.
- Acting for property developers in claim against solicitors for failure to complete contract for sale of land.
- Advising solicitors' partnership on professional negligence claim against estate agency subsidiary.
- Acting for architects in Part 20 additional claim arising out of 'façade retention' redevelopment of former hospital.

# Public Law

## Relevant Experience

- Representing framework electrical works tenderer on public procurement action against a city council.

# Copyright / Intellectual Law

## Representative Cases

- *Buchanan v Alba Diagnostics Ltd*  
Junior in action to determine whether a patent granted to the claimant in relation to a brake fluid safety meter was an improvement on an existing invention so he was entitled to pursue proceedings for infringement of patent.
- *Universal Scaffolding Services Limited v Scaffolding Scotland Limited*  
Acting for Defendant Company in action that protective barrier used by defendant was claimant's patentable invention and which formed an inventive step.
- *Brooker v Krueger*  
Defending 'passing off' action brought by claimant skin product manufacturer against defendant for breach of Trade Marks Act 1994.
- *Custom Homes Scotland Ltd v Brick & Steel Construction Ltd*  
Defending action brought by housebuilders against defender for breach of copyright in drawings for

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construction of 'kit' homes.

## Commercial Arbitration (Domestic & International)

### Relevant Experience

- Advising Libyan facilities company on claim against multinational oil company for breach of contract under ICC arbitration.
- Acting as arbitrator in domestic solicitors' partnership dispute.
- Arbitration under 1996 Act on breach of contract in performance of electric lock gates.
- Arbitration under Stockholm Chamber of Commerce Rules on pension obligations arising from SPA.
- Arbitration under London Centre for International Arbitration on distribution agreement.
- Arbitration in Scotland on dissolution of partnership.

## Litigation

### Relevant Experience

- Acting for sub-contractor in variation claims against main contractor arising out of construction of major concert venue in Glasgow, 2 week trial end of April/May 2016.
- Acting for third party architect in complex professional negligence action arising out of façade retention scheme for old hospital.
- Acting for developer in defence of £3m claim by bank for development loan.
- Advising property owner on wind farm development potential for land.
- Advising claimant in 'failure to prosecute under Article 3' action against Police Scotland.
- Prosecution of complex mortgage fraud.
- Advising major plc on construction of financing contract.
- Advising commercial tenant on appeal in claim against landlord for dilapidations.
- Advising house purchasers on Legal Expenses insurance cover for potential negligence claim against solicitors.

## International

Human rights and rule of law work for UN/OSCE in Kosovo and Occupied Territories.

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## What the directories say

"Very approachable; he puts clients and solicitors at ease."  
*Legal 500 2018 (Commercial)*

"A concise communicator, who unpicks complex scenarios."  
*Legal 500 2017 (Commercial)*

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## Appointments & Memberships

FCIArb (2015)

Silk (Scotland) (2012)

Called (Scottish Bar) (1997)

Called (Gray's Inn) (1993)

Solicitor (England & Wales) (1988)

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