

ANDREW CALDECOTT QC

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Registered name on the Bar Standards Board Register: Andrew Hilary Caldecott QC

Vat Number: 245395838

Call: 1975

Silk: 1994

SPECIALISATION

Defamation

Malicious Falsehood/Trade libel

Breach of Confidence

Privacy & Data Protection

Injunctions

Harassment

Reporting Restrictions

Contempt of Court

Protection of Sources

Data Protection

Freedom of Information

Regulation of Investigatory Powers

Anonymity orders

Obscenity laws & Censorship

Negligent Misstatement

Media-related judicial review

Human Rights Law, particularly articles 8 and 10 of the ECHR

Andrew was awarded Chambers and Partners "Defamation and Privacy Silk of the Year" 2005, 2007 and again in 2009. He is consistently recommended as a leading silk in Defamation and Privacy and Media and Entertainment in The Legal 500, and is listed as a "Star Individual" in Chambers and Partners 2011, 2012, 2013, 2014, 2015, 2016 and 2017. In addition he is ranked as leading silk in Data Protection in The Legal 500 and Chambers and Partners. Andrew regularly advises and acts for broadcasters and publishing houses, corporations and celebrities, as well as government departments and ministers in the UK and various foreign jurisdictions.

RECOMMENDATIONS

A runaway star of the Defamation and Privacy Bar, widely regarded as the leading silk in the area. He has unrivalled Supreme Court experience and is continually instructed in high-profile, precedent-setting cases. *"A genius. His knowledge is astonishing and his feel for a case is always spot-on. His advocacy is excellent." "He must be one of the top silks in the country. He's just amazing - a decent person and phenomenally clever." "Working with Andrew was the best moment in my career. He brings an electric focus to a case and has such charm and gravitas in court that judges are naturally inclined to what he has to say. A genuine talent."* **Chambers and Partner 2017 – Defamation/Privacy**

Highly experienced silk with an outstanding reputation in the field of defamation. He has been involved in a number of leading cases in data protection law, including the House of Lords case of Campbell v MGN. *"He is wonderful. He is incredibly bright and has his finger on the pulse. He has such good judgement." "He's a brilliant advocate and great to listen to."* **Chambers and Partners 2017 – Data Protection**

'He has a dazzling intellect and is extremely thoughtful.' **The Legal 500 2016 – Defamation and Privacy**

'Simply the man who you want to have on your side in any complex data protection dispute.' **The Legal 500 2016 – Data Protection**

'He combines a huge intellect with a deep understanding of the media sector.' **The Legal 500 2016 – Media and Entertainment**

Highly sought after and widely considered to be the leading silk in this field. He has unparalleled expertise in defamation, libel and privacy. He is regularly instructed in the complex and cutting-edge Supreme Court cases. *"He is the king of defamation - intellectually, he is in his own league." "He is a shrewd lawyer whose submissions are*

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treated with great respect by all tribunals from the Supreme Court down." *"He is a genius who never fails to impress."* **Chambers and Partners 2016 – Defamation/Privacy**

A leading figure in the field of defamation and privacy, with a well-respected practice in the related field of information law. He has noted expertise in relation to the operation of data protection law with respect to internet intermediaries such as Google. *"He is one of the best. Very clever, very practical, very clear and very concise."* *"He is a superstar - a lovely guy and an amazing advocate."* **Chambers and Partners 2016 – Data Protection**

Andrew Caldecott QC - One Brick Court 'A cerebral master, team player and outstandingly persuasive advocate.' **The Legal 500 2015 – Defamation and Privacy**

'A solution-driven silk with a deep understanding of client needs.' **The Legal 500 2015 – Data Protection**

'Excellent on complex issues of law on which he gives elegant and persuasive tutorials to the judges.' **The Legal 500 2015 – Media and Entertainment**

A true leader in the marketplace, he routinely acts on landmark cases representing broadcasters, celebrities and government departments. Commentators consistently name him the "best silk at the Libel Bar." *"He has a brilliant mind, and is a bit of a phenomenon really."* *"He is a shrewd lateral thinker, a very good team player and a forensically astute advocate."* **Chambers and Partners 2015 – Defamation and Privacy**

Extremely strong defamation and media silk who is fully au fait with data protection and information rights cases. He has handled a number of high-profile FOIA cases and matters concerning journalistic ethics. *"A barrister who produces extremely high-quality pleadings."* *"He is dazzling."* **Chambers and Partners 2015 – Data Protection**

An undisputed titan in the field, he earns universal admiration for his written work and his advocacy skills. He is generally involved in the biggest and most important defamation cases, and is seen by many as the best libel barrister of his generation. *"He's brilliant, as he is incredibly intelligent and strategic, and has a way of pulling strands of a case together to make it winnable."* *"An outstanding silk with every skill you could wish for, he is someone judges just absolutely love."* **Chambers and Partners 2014 – Defamation and Privacy**

Andrew undertakes instructions in this field as part of a wide-ranging media law practice, which also takes in defamation and libel law, as well as injunctions and harassment matters. *"Andrew brings sheer intellectual brilliance to a project, which he combines with a thorough understanding of the client base. He brings his brain as well as a great understanding of what we need. He is a unique beast. He is also an amazing advocate, who is very calm and persuasive and seems to always have the ear of the judges."* *"He is one of those people you wouldn't want to be against - he is pretty brilliant."* **Chambers and Partners 2014 – Data Protection**

The 'phenomenal' Andrew Caldecott QC 'remains at the very top of his game and the profession in general', and is 'highly recommended for his tactical nous and strategic ability'. **The Legal 500 2013/14**

Andrew Caldecott QC is at the very pinnacle of his profession, and is admired by peers, instructing solicitors and clients alike. Described variously as a "titan" and "a brain of Britain," he is quite simply "the best libel barrister around bar none," equipped as he is with "more grey cells between his ears than you or I will ever have." The analysis he proffers is both "ingenious and forensic," and he is "a master of the bigger picture" who offers superior strategic advice. In addition to this, solicitors say that he has "a common-sense approach which means clients can easily understand him." **Chambers and Partners 2013**

"head and shoulders above anyone else," "just the best," and "the go-to boffin for complex defamation or privacy work," depending on which of his many adherents you listen to. Noted for both his overwhelming intellect and pleasant manner, he is "a prize advocate who always enjoys a good relationship with the Bench". According to those that use him,

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he is "incredibly articulate, and always adds something in conference – he just plucks propositions out of the air which enable you to win a case." **Chambers and Partners 2012**

The "formidable" Andrew Caldecott QC "adds a touch of genius to cases". **The Legal 500 2011/12**

"he is brilliant strategically and eminently reasonable at all times, and he has a very attractive manner and a very good brain." One interviewee commented of him: "He's unfailingly impressive in court, proving witty and anecdotal in his style. I come away enriched from having a conversation with him and confident in his skill to turn around a case that otherwise wouldn't be winnable." **Chambers and Partners 2011**

"a quite simply outstanding advocate and tactician" who is widely regarded as the cleverest and most formidable performer at the Libel Bar. His "brilliant mind" makes him a top choice for very complex matters and he is regularly instructed in the most high-profile cases. **Chambers and Partners 2010**

the "formidable" Andrew Caldecott QC commands immense respect and "is in a league of his own, always coming up with something innovative in order to do the best job for his clients." A "technically fantastic" silk, he is highly sought-after and is noted for his "great manner and ability to pitch things perfectly in any given situation". **Chambers and Partners 2009**

ACADEMIC AND PROFESSIONAL QUALIFICATIONS

Ba (Hons) in Modern History

New College Oxford

Inns of Court School of Law

Pupillage – 1975-6: One Brick Court (media) with Sir David Hirst, 3 Essex Court (now 20 Essex Street) (commercial) with Kenneth Rokison QC

Tenant One Brick Court since 1976

Took silk 1994

APPOINTMENTS

Bencher Inner Temple 2004

Head of Chambers 2007 - 2016

Appointed as the Specialist Legal Advisor to Parliamentary Joint Committee of the House of Lords and Commons scrutinising the Defamation Bill 2011

REPRESENTATIVE CASES OF INTEREST

Inquiry

Counsel for the BBC in the Hutton Inquiry

Counsel for the Guardian in the Leveson Inquiry

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Defamation

- Murray v Associated Newspapers Ltd (2015) EMLR 21
- Voicemail Interception Compensation Scheme (2015-16)
- Construction Industry Vetting Information Group Litigation (2016)
- Begg v BBC (2016) EWHC 2688 (QB)
- Lisle-Mainwaring v Associated Newspapers Ltd (2017) EWHC 543 (QB)
- Lachaux v AOL CA (2017) – Judgment pending in Court of Appeal
- Mionis v Democratic Press S.A. & ors CA (2017) Judgment pending in Court of Appeal
- Makudi v Triesman [2014] EWCA Civ 179
- Rothschild v Associated Newspapers Limited [2013] EWCA Civ 197
- Cairns v Modi (2012) EWHC 756 (QB) – trial, for claimant
- Rothschild v Associated Newspapers (2012) EWHC 177 (QB) – trial, for defendant
- El Naschie v MacMillan Publishing (2011) – trial, for defendant
- Tesla v BBC (2011) EWHC 2760 (QB) – malicious falsehood, strike out
- Baturina v Times Newspapers CA (2011) 1 WLR 1526 – libel appeal, identification
- Spiller v Joseph (2010) – Supreme Court, intervener representing Associated Newspapers, Times Newspapers & Guardian News & Media, honest comment
- Horlick v Associated Newspapers (2010) EWHC 1544 – for defendant, defamatory meaning
- Budu v BBC (2010) EWHC 616 (QB) – for defendant, abuse of process, defamatory meaning, archive material
- Shovell v Adventis (2010) – trial, for defendant
- Dee v Telegraph Media Group (2010) EMLR 20 – legal approach to context
- North London Central Mosque v Policy Exchange (2010) – identification, capacity to sue, strike out
- Pell v Express Newspapers (2009) EWHC 118 – abuse of process
- Bray v Deutsche Bank AG (2008) EWHC 1263 (QB) – for the defendant bank, in qualified privilege/malice case concerning a press release
- Bond v BBC (2009) EWHC 539– meaning, scope of justification
- Tesco Stores (UK) Ltd v Guardian News & Media Ltd (2009) EMLR 5 – offer of amends
- Carmen Mitchell-Briscoe v Constance Briscoe (1) and Hodder & Stoughton (2) (2008) – trial for the defendants. The Defendants successfully advanced a justification defence to the libel action.
- David Moyes v Wayne Rooney (2008) for Claimant
- Lisa Jeynes v News Group Newspapers Ltd (2008) EWCA CIV 130 – for Defendant
- Sir Martin Sorrell (2) Daniela Weber v (1) FullSix SpA (2) FullSix Francia SAS (3) Marco Benatti (4) Marco Tinelli – (2007) Privacy trial
- Gerry & Kate McCann -V- Express Newspapers & ors (2008) – representing the media, offer of amends
- Robert Murat & Ors v Associated Newspapers & ors (2008)
- Armstrong v Times Newspapers (no 2) (2006) EMLR 166 – Libel preliminary issues and mode of trial (CA)
- Henry v BBC – Trial (Gray J) for Defendant
- Armstrong v Times Newspapers (no 1) (2005) EMLR 797 – (CA)
- Greene v Associated Newspapers – (2005) QB 972; (2005) 3 WLR 281; (2005) 1 All ER 30; libel injunction
- Musa-King v Telegraph (2004) (CA) (2005) 1 WLR 2282; (2004) EMLR 23
- Albert Reynolds v Times Newspapers - (2001) 2 AC 127; (1999) 3 WLR 1010; (1999) 4 All ER 995; (2000) EMLR 1; (2000) HRLR 134 - leading case on qualified privilege at common law/article 10 (HL)
- Al Fagih v H H Saudi Research - (2002 EMLR 215) qualified and “neutral reportage” of political issues (CA)
- Bonnick v Morris (2002 3WLR 820 & 2002 EMLR 37) – (P.C)
- Kearns & Co v The General Council of the Bar (2003) 1 WLR 1357; (2003) 2 All ER 534; (2003) EMLR 27 - Qualified privilege (CA) Claimant’s claim struck out as privileged
- Taylor v SFO (1999 EMLR 1) –Leading case on disclosure of documents and absolute privilege for criminal investigations (HL)
- Major v New Statesman & ors – represented the Prime Minister

Breach of confidence/privacy/data protection

- Construction Industry Vetting Information Group Litigation (2016)
- Voicemail Interception Scheme (2016)
- Goldsmith v BCD 2011 EWHC 674
- RST v UVW (2010) EMLR 13 – injunction, privacy
- Sophie Dahl v Northern & Shell PLC (2009)
- X & Y v Persons unknown (2006) – (2007) EMLR 10 John Doe Injunctions
- A v B [2005] EWCH 1651 (QB) (2005) EMLR 851 – interim injunction
- Green Corns v Express & Star – (2005) EMLR 31 Interim injunction
- Naomi Campbell v Mirror Group Newspapers (2004) 2 AC 457; (2004) 2WLR 1232; (2004) 2 All ER 995 (2004) EMLR 15 (2004) UKHRR 648 - Leading privacy case (HL)
- Lord Ashcroft v Foreign Office and DFID – Data protection and breach of confidence
- Venables v News Group - (2001) 1 All ER 908 : (2001) EMLR 10 : (2001) 2 WLR 1038 : (2001) 1 FLR 791 : (2001) UKHRR 628 : (2001) HRLR 19 - for the Attorney General - anonymity orders
- X and Y v News Group, Mirror Group and anor (2003) EMLR 37 – For the Attorney General on the application of Mary Bell and her daughter for anonymity.
- HRH Princess of Wales v MGN - Trial for the Princess of Wales (1995)

Contempt of Court

- AG v Conde Nast Publications Ltd (2016) EWHC 682 (Admin)
- AG v MGN & News Group Newspapers (2011)
- AG v MGN – (2009) EWHC 1645 (Admin) for respondent, mitigation
- AG v ITV (2008) EWHC 1984 –for respondent, mitigation
- AG v BBC - (2007) representing BBC on the original application by the AG for an urgent injunction to restrain a potential contempt
- AG v Express – (2005) EMLR 13 - represented the R on the AG’s contempt application
- Attorney General v MGN (2002) - represented Attorney General in relation to an article which halted the Leeds footballers trial.
- Attorney General v Manchester Evening News (2002) - represented Attorney General on breach of the Venables anonymity order.
- Attorney General v MGN & ors (1997 1 ALL ER 456) – represented newspaper in successfully resisting contempt proceedings.
- Attorney General v Unger & ors – (1998) EMLR 280 - represented newspaper in successfully resisting contempt proceedings.

Reporting Restrictions

- R v F (2016) Crim L.R. 775
- R v Dobson (2011) – reporting restrictions, criminal retrial
- R v Chaytor, Morley, Divine & Hanningfield (2010) – for various media organisations, Criminal Court of Appeal, MP’s expenses criminal trial
- R V Dobson (2010) – Criminal Court of Appeal – for various media organisations, reporting restrictions

Malicious Falsehood and Trade Libel

- (1) Tesla Motors Ltd (2) Tesla Motors Inc v BBC [2013] EWCA Civ 152
- Tesla v BBC (2011) EWHC 2760 (QB)
- Ajinomoto v Asda (2010) EMLR 23 – Court of Appeal, for the defendant, single meaning rule in malicious falsehood, permission to appeal has been granted by the Supreme Court
- Currys v Comet (2002) FSR 58 – Interim injunction

Obscenity

- R v VAC (ex parte BBFC) [2008] EWHC 203 (Admin) the successful Claimant in Judicial Review proceedings brought by the British Board of Film Classification challenging the Video Appeal Committee's decision to classify the videowork Manhunt 2 on the basis of an error of law (establishing the correct test for 'harm' under the Video Recordings Act 1984).
- Eight Distributors v British Board of Film Classification (2005) - representing the board at Video Appeals Committee hearing
- Blue Underground v British Board of Film Classification, (2002) - represented the Board on classification appeal

PUBLICATIONS AND SEMINARS

- Co-author Halsbury's Laws Libel and Slander
- Co-author Bullen & Leake Queen's Bench Forms (Libel & Slander and Malicious Falsehood)
- Regularly speaks at conferences and seminars on all aspects of media law

INTERESTS

Walking, music, sport, theatre, play-writing.