

1GC | Family Law

Andrew Bagchi QC

Year of Call: 1989 Year of Silk: 2015



Practice Overview

Andrew practices in all areas of family law and the law relating to incapacitated adults in the High Court and Court of Protection. He undertakes complex and high conflict private law disputes as well as the most legally and factually difficult cases which involve international, medical and human rights disputes. Andrew is also an experienced and accomplished practitioner in all forms of family financial disputes and financial disputes in the Court of Protection.

Children (public law)

Andrew regularly represents parents, children and local authorities in serious and complex care and adoption proceedings, often involving allegations of serious harm including, sexual abuse, factitious and induced illness, child death and brain injuries.

Recent reported cases include:

W (A Child : No 4) [2017] EWHC 1760 (Fam) (10 July 2017) – Rare application for permission to set aside an adoption order allegedly made as a result of material non-disclosure. Review of the principles engaged.

J (Children), Re [2017] EWCA Civ 398 (23 May 2017). Appeal against care order made in circumstances of serious procedural irregularity.

SW & TW (Children : Human Rights Claim: Procedure) (Rev 1) [2017] EWHC 450 (Fam). Important decision on the making of claims for damages under the HRA 1998 within welfare proceedings where legal aid is used.

W (A Child), Re [2017] EWHC 829 (Fam) (06 March 2017) Application for an adoption order following serious historical procedural irregularity causing unfairness.

Children (private law)

In the area of private law disputes Andrew has a particular interest in cases with an international dimension, for example applications for the relocation of children to another jurisdiction or cases involving the status of foreign marriages or foreign divorce proceedings. He has recently successfully represented applicants seeking to relocate internationally. Andrew also has an excellent reputation for

acting in high conflict cases where the principle of contact is in issue either where there are allegations of serious parental misconduct.

Recent reported cases include:

Re A (A Child) [2016] EWHC 2691 (Fam) Unusual application for relocation order following previous abduction of the child.

QS v RS & Anor [2016] EWHC 2470 (Fam) (10 October 2016) Residence and recognition of foreign adoption order.

Family finance & property

Andrew is routinely instructed in financial proceedings consequent upon divorce and family breakdown. He has a particular specialism in cases where one of the parties or children of the family suffer from disability. He is asked to advise in cases where the validity of the marriage is questioned.

He led the successful intervention in financial remedies proceedings for a family member where it was proved that the husband had used non-matrimonial money for his own purposes and is currently acting in a case involving the validity of a historical mortgage transaction.

International family law

Andrew regularly represents parties in international relocation cases and cases which give rise to the jurisdiction of the English court, either as a part of abduction proceedings or as a prelude to a relocation application. Andrew has a particular interest in international adoption and recently acted in a ground-breaking case which involved the common law recognition of a foreign adoption order which engaged the HRA.

Recent cases include:

See *QS v RS & Anor [2016] EWHC 2470 (Fam) (10 October 2016)* Residence and recognition of foreign adoption order.

Court of Protection

Andrew regularly appears in the Court of Protection in cases involving the personal welfare, health and financial arrangements of persons lacking mental capacity under the Mental Capacity Act 2005. He acts for the Official Solicitor and public authorities in complex health and welfare cases. Andrew is also very interested in the protection of the vulnerable from financial exploitation and is involved in a number of cases where the exercise of powers of attorney and deputyship have been questioned.

Recent cases include:

Kirk v Devon County Council & Anor [2017] EWCA Civ 260 (12 April 2017). Committal proceedings in the COP.

A County Council v AB & Ors (Participation of P in Proceedings) [2016] EWCOP 41 (31 May 2016)

Guidelines decision on participation of P and P giving evidence in the COP.

W (Medical Treatment: Anorexia), Re [2016] EWCOP 13 Treatment options for anorexic patient in the Court of Protection.

M, Re [2015] EWCOP 69 (07 July 2015) Appointment of health and welfare deputy.

CWM TAF University v F [2015] EWHC 2533 (Fam) (15 May 2015) Application to remove artificial nutrition and hydration in patient with PVS.

What the directories say

Regularly highly rated in Chambers UK and Legal 500 in both Family Law and Court of Protection categories:

2018/19: *'Outstanding children lawyer with a fantastic ability to analyse parents' motives and behaviour.'* and *'Well liked by clients.'* **Legal 500**

"He's an excellent individual and a heavyweight silk. He's steely, ferocious and very sharp."
Chambers UK

"He brings a remarkable level of calm to even the most challenging of cases. His knowledge and experience of the court systems and processes is always of benefit in ensuring a smooth ride for clients. His written opinions are not just legally sound but pragmatic and sympathetic." **Chambers UK**

2017: Routinely represents local authorities in highly sensitive public law cases relating to child abuse. His private law practice covers both contentious matrimonial disputes and child relocation cases.

"Well thought of by his peers and by the Bench, he has excellent client care skills and is an effective, organised and decisive advocate who always gets to the root of the problem."
Chambers UK

'A strong advocate with a comprehensive command of children law. He has an excellent manner with clients and is clearly well respected by the judiciary.' **Legal 500**

2016: "Precise, knowledgeable and effective, he has a great manner and way with clients." "He has a very nice air about him, is easy to get along with and very affable." **Family/Matrimonial**

"A charismatic advocate who is a very co-operative and helpful opponent, a real team player. He has a huge grasp of this area of law and very much deserved taking silk this year." **Court of Protection**

2015: "Knowledgeable and constructive in his advice and guidance." "He's hugely knowledgeable and has good judgement combined with really strong technical ability." "At the top of the list for instructions. Very pragmatic, he can get on top of issues very quickly. He's super-approachable and really responsive."

Education

QEGS Wakefield
LLB Kings College, London

Appointments

Queens Counsel 2015
Bar Council 2009-2012

Awards

In 2014 Andrew was assessed by the Chambers and Partners Guide as one of only 5 family law barristers who are in the Top 100 junior barristers nationally.

Memberships & Associations

[Family Law Bar Association](#)

[Court of Protection Practitioners' Association](#)

[Court of Protection Bar Association](#)

Seminars, publications and training

Andrew lectures regularly on family law and Court of Protection related topics. For the past two years Andrew has conducted a seminar at the Judicial College for newly ticketed Court of Protection judges.

Publications

Andrew is a co-author of *DIY Divorce & Separation: The Expert Guide to Representing Yourself* (Jordan Publishing), 2014 <http://diydivorce.familylaw.co.uk/1GC-Blog>

Languages

Conversational French and German.

Personal

Cricket, Football. Golf (not necessarily in that order). Electronica.