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## TIMOTHY HIGGINSON

Call: 1977



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Tim has built up an extensive practice over a number of years, the main areas of which concern disputes in these areas:

- Commercial and Chancery
- Civil Fraud and Asset Tracing
- Professional Negligence (principally, solicitors, barristers, auditors/accountants and bankers)
- Banking and Securities
- Equity and Trusts
- Sports Claims
- Partnership and LLP
- Insolvency
- Regulatory

This has inevitably involved vast experience in the interlocutory relief and arbitration spheres.

Most recent cases include:

- A very high value breach of warranty claim, in which he represented the Defendant, and which was discontinued at an early stage.
- A multi-million pound breach of warranty claim following a share sale agreement, which was successfully compromised.
- A substantial solicitors' negligence action, in which he appeared for the Claimant and obtained summary judgment and very substantial damages.
- A dispute concerning a league cricket club and its future participation in its County League.
- A contractual claim against a very prominent financial services LLP on behalf of the Claimant, which resulted in a very substantial financial settlement.

Additionally, he has been an appointed arbitrator in commercial disputes and qualified with ADR Chambers, in the mid-1990's, as an accredited mediator.

He has been a regular contributor on a variety of sports-related matters on commercial and BBC radio.

### Commercial & Chancery

His work has covered a number of areas including contractual disputes, sale of goods, passing off and bills of exchange, and, particularly, interim applications including Search and Freezing orders. Reported cases include:

**London Borough of Camden v Alpenoak Limited**, 1986 NLJ, (breaches of undertakings to court)  
**John Laing Construction Limited v Dastur** [1987] 1 WLR 686, (tender before action in contract)  
**Smith v Springer** [1987] 1 WLR 1720, (payments into court)  
**Filemart Ltd v Avery** [1989] 2 EGLR 177, (enforcement and committal proceedings)  
**Hussey v Eels** [1990] 2 QB 227, (mitigation of damage in tort)  
**Long v Jones**, The Times, 6 March 1990, (sales in market overt)  
**Michael v Ensoncraft Limited** [1990] EGCS 156, (damages)  
**Nationwide Building Society v Bryan Lewis** [1997] 1 WLR 1181, (partnership)

## Professional Negligence

He has twenty five years' experience of disputes concerning, principally, solicitors, barristers, valuers/surveyors and accountants. Principal reported cases include:

**Bristol & West Building Society v Mothew** [1998] Ch. 1, (leading authority on fiduciary duty and breach of trust principles)  
**Bristol & West Building Society v May, May & Merrimans** [1996] 2 AER 801, (solicitors' negligence in mortgage lending cases)  
**Nationwide Building Society v Balmer Radmore & Ors** [1999] Lloyd's PNLR 235, (professional negligence in mortgage lending cases)  
**Nationwide Building Society v Thimblebys** [1999] Lloyd's PNLR, (contributory negligence and deceit)  
**Matrix Securities Limited v Theodore Goddard** [1998] STC 1, (barrister's and solicitors' negligent advice)

## Sports Law - Football

Cases, both reported and unreported, include:

**Notts County FC v Allardyce**, (manager poaching dispute)  
**Colchester United FC v Birley**, (manager poaching dispute)  
**Silkman v Colchester United**, (agency dispute)  
**Blackpool United FC v Stockport County FC**, (manager poaching dispute)  
**Rotherham United FC v Southend United FC**, (commercial dispute)  
**Bristol City FC v Gillingham FC**, (commercial dispute)  
**Foster v Crystal Palace FC**, (contractual dispute)  
**Pollock v Crystal Palace FC**, (commercial dispute)  
**Launders v Colchester United**, (contractual dispute)  
**Tottenham Hotspur FC v Pleat**, (manager poaching dispute)  
**Football League v Bradford City FC**, (commercial dispute)  
**Football League v Wimbledon FC**, (ground re-location dispute)  
**Football League v edge ellison**, (media rights contract dispute)  
**FA v Rio Ferdinand & Others**, (bias)  
**Football League v Boston United FC and Evans**, (financial irregularities)  
**Football League v Derby County FC**, (disciplinary)

In addition, he has appeared in many disciplinary hearings and has re-drafted the disciplinary rules of both the Football League and the PGMOL.

## Sports Law - Racing

**Bradley v The Jockey Club**, (disciplinary)  
**The Jockey Club v Towcester Racecourse**, (media rights)  
**Horse Racing Authority v Dean McKeown**, (disciplinary)  
**Horse Racing Authority v Gary Moore**, (disciplinary)  
**Sanderson v O'Neill**, (training dispute)  
**Re Racecourse Association**, (rights dispute)  
**Re GGN Media**, (media rights dispute)

## Sports Law - World Rally Championship

He has acted in several disputes in this area.

Cases include:

**Peugeot v Burns & Subaru**, (poaching of current world champion)  
**Peugeot v Dark Dog**, (contractual dispute)

## Sports Law - Others

He has represented athletes and agents.

Cases include:

**IOC v Ngugi**, (doping offence committed by Olympic gold medallist)  
**Elliott v BAAA**, (agency dispute)

He has been instructed in a number of boxing disputes.

Cases include:

**BBBC v James 'Boncrusher' Smith**, (licence dispute)  
**Dalton v Frank Warren**, (contractual dispute)

He has advised a number of rugby players and agents.

Cases include:

**Gomarsall v Worcester RFC**, (contractual dispute)  
**European Rugby Cup v Williams, Richards & Others**, (disciplinary)

## Mediation

He qualified as an accredited mediator through ADR Chambers in the mid-1990's. He has extensive experience in mediating all types of dispute, principally commercial and sports-related. He has received many plaudits for his patient but firm handling of these.