Tim Higginson

Door Tenant
CALLED 1977



Tim specialises in the fields of civil and commercial law, professional negligence and insolvency.

He is also qualified as an arbitrator and mediator. He sits as a Chair on the Appeal Panel for the British Equestrian Federation and on the Disciplinary Panel for MCC (Lord's).

He is also admitted to the Bar of the Eastern Caribbean Supreme Court (Territory of the British Virgin Islands), where he has appeared regularly.

He is registered to accept instructions under Direct Public Access and is licensed to litigate.

Background and Expertise

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

- Commercial and Chancery
- Civil Fraud and Asset Tracing
- Insolvency

- Professional Negligence (principally, solicitors, barristers, auditors/accountants and bankers)
- Banking and Securities
- Equity and Trusts
- Sports Claims
- Partnership and LLP
- Regulatory

Notable Cases

Commercial Law

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:

- ***Buheiry v Vistajet Limited EWHC 2998 (Comm)***
- ***Mayers Cars and Trucks (MCT) v Jaguar Land Rover*** [2021] EWHC 2984 (Comm)
- ***Stunt v Associated Newspapers Limited*** [2019] EWHC 511 (QB)
- ***Mitchell v Royal Bank of Scotland Plc*** [2017] EWHC 1025 (Ch), (administrators; breach of trust; limitation periods; negligence; unlawful means conspiracy)
- ***Monte Developments Ltd (In Administration) v Court Management Consultants Ltd*** [2010] EWHC 3071 (Ch), (charging orders; costs)
- ***Mactra Properties Ltd v Morshead Mansions Ltd*** [2008] EWHC 2843 (Ch), (bad faith; registration; share transfers)
- ***Football League Ltd v Edge Ellison (A Firm)*** [2006] EWHC 1462 (Ch), (negligence; media and entertainment; legal professional privilege; broadcasting and media rights; professional negligence; retainers; sporting rights)
- ***Morshead Mansions Ltd v Mactra Properties Ltd*** Court of Appeal (Civil Division)[2006] EWCA Civ 492, (capacity; interpretation; leases; Tomlin orders)
- ***Chanin v Royal Pharmaceutical Society of Great Britain*** Queen's Bench Division (Administrative Court)[2005] EWHC 1013 (Admin,) (pharmacists; professional conduct; removal)
- ***Bradley v Jockey Club*** Queen's Bench Division [2004] EWHC 2164 (QB), (contract terms; disciplinary procedures; horse racing; supervisory jurisdiction of the courts)
- ***Robin Ellis Ltd v Vinexsa International Ltd*** Queen's Bench Division (Technology & Construction Court) [2003] EWHC 1352 (TCC), (construction contracts; default notices; JCT contracts; termination)
- ***Colin Buchanan & Partners Ltd v Marcus de Berg*** Queen's Bench Division [2003] EWHC 839

(QB), (contract terms; deceit; *ex turpi causa*; fraudulent misrepresentation; honest belief)
- ***Munro-Wilson v Olswang (A Firm)*** Queen's Bench Division [2003] EWHC 721 (QB,) (solicitors' retainer; damages)
- ***Zarvos v Pradhan*** Court of Appeal (Civil Division) [2003] EWCA Civ 208, (business tenancies; intention; landlords' duties; termination)
- ***Towcester Racecourse Co Ltd v Racecourse Association Ltd*** Chancery Division [2002] EWHC 2141 (Ch), (articles of association; associations; contract terms; horse racing; television rights)
- ***Trustee of the Estate of Share (A Bankrupt) v Fisher*** Chancery Division [2001] 10 WLUK 559, (bankruptcy; equitable interests)
- ***Nationwide Building Society v Bryan Lewis*** [1997] 1 WLR 1181, (partnership)
- ***Michael v Ensoncraft Ltd*** [1990] EGCS 156, (damages)
- ***Long v Jones*** The Times, 6 March 1990, (sales in market overt)
- ***Hussey v Eels*** [1990] 2 QB 227, (mitigation of damage in tort)
- ***Filemart Ltd v Avery*** [1989] 2 EGLR 177, (enforcement and committal proceedings)
- ***Smith v Springer*** [1987] 1 WLR 1720, (payments into court)
- ***John Laing Construction Limited v Dastur*** [1987] 1 WLR 686, (tender before action in contract)
- ***London Borough of Camden v Alpenoak Limited*** 1986 NLJ, (breaches of undertakings to court)

Professional Negligence

Tim has very considerable experience of disputes concerning, principally, solicitors, barristers, valuers/surveyors and accountants.

Principal reported cases include:

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

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.

Achievements

Education

- LLB Hons.
- Yarborough Anderson Scholar, 1976
- Palmer Stawell Scholar, 1977

Memberships

- Commercial Bar Association
- London Court of International Arbitration
- Chancery Bar Association