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## TIMOTHY HIGGINSON

Call: 1977



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### Overview

Tim Higginson has a varied practice which principally encompasses commercial and chancery litigation, professional negligence disputes and sports-related matters. He has acted as arbitrator in commercial disputes and is an accredited mediator. He is a regular contributor on sports law matters to both commercial and BBC radio, particularly Radio 5 Live.

### Commercial and 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 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 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 Other

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 'Bonecrusher' 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)
- 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)

## 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.