
TIMOTHY HIGGINSON

Call: 1977



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 much experience in the interlocutory relief and arbitration spheres.

Most recent cases include:

- A high value breach of warranty claim, in which he represented the Defendant and which was discontinued at an early stage
- A 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 substantial damages
- A dispute concerning a league cricket club and its future participation in its County League
- A contractual claim against a prominent financial services LLP on behalf of the Claimant, which resulted in a 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.

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

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 '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)

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.

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