



KINGS  
CHAMBERS



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**MANCHESTER**

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**LEEDS**

5 Park Square, Leeds, LS1 2NE  
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**BIRMINGHAM**

Embassy House, 60 Church Street, B3 2DJ  
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**Clerked by:**

Colin Griffin  
Gary Young  
Harry Young

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## Neil Berragan

[Click here to return to main Sports Law page](#)

**Year of Call:** 1982

**Practice:**

Commercial litigation, including:

Sale and carriage of Goods

Commercial and construction arbitrations

Warranty claims in business and share sales

Commercial fraud

Computer software defects claims

Insurance

Pre-emptive and restraint injunctions, including Freezing Injunctions, Search Orders, interim orders to enforce restrictive covenants etc.

Banking

Company and Insolvency

Disqualification of directors

Professional Indemnity

Neil has acted for a large number of major plc clients in the distribution, automotive, gaming, construction, travel, telecommunications and IT industries in substantial commercial disputes. He also has advised and acted in many substantial shareholder disputes, and other important company and insolvency matters.

He is regularly instructed in claims by and against directors and employees in claims involving fraud, breaches of fiduciary duty, post termination covenants and confidential information.

He also has also advised and represented numerous solicitors and other professionals in partnership and LLP disputes.

Neil appears regularly in the specialist business divisions of the High Court in Manchester, Leeds, Liverpool, Birmingham and Chester (Mercantile, TCC and Chancery), as well as in the High Court in London and the Court of Appeal.

Neil has also advised defendants in high level issues arising out of credit hire claims, and appeared in test cases.

Neil will accept instructions directly under the public access scheme. He also undertakes *pro bono* work.

**Significant cases include:**

Smithv Butler and Contact Holdings Ltd (LTL 2/9/2011) Powers of board to suspend majorityshareholder / chairman. Authority of

managing director. Order under s.306 CA2006 for member's meeting to be held against wishes of other directors, and to waive quorum requirement.

WesternLogs Ltd and another v Viance Ltd and CSI Wood Protection Ltd (2011) TCC claim for substantial damages arising out of the supply of wood preservative and involving detailed technical evidence.

Meridian Business Support v Jared and Kennedy (2010) Enforcement of restrictive covenants against former employees setting up rival recruitment business

Hawksford Trustees (Jersey) Ltd v Botterill (2010) Refusal of interim injunction to restrain exercise of "gatekeeper" provision under share sale agreement

Pirtek (UK) Ltd v Joinplace Ltd (2010) Enforcement of restrictive covenants against former franchisees raising defences under competition law.

Computer Software Group Ltd v Sanderson (2009) Share sale agreement. Indemnity for claims arising out of alleged mis-selling of Microsoft OEM licences.

Murray Vernon Holdings Ltd v Hassall (2010) Duties of director selling his shares to company. Liability of co-directors.

Chief Constable of Greater Manchester Police v Wigan Athletic AFC plc [2009] 1WLR 1580 Trial and appeal on obligation of football clubs to pay for special policing services under s.25 of the Police Act 1996. Impact of competition law on obligations of police to football clubs. Limits of quantum meruit.

Shaw v API Group plc and Ferguson (2010) Claim by unsuccessful bidder for damages arising out of alleged misuse of confidential information and other economic torts in relation to a company sale.

Steadman v TNT Express Ltd (2008) Applying the avoidable loss rule in mitigation to credit hire claims.

DDT Trucks of North America Ltd v DDT Holdings Ltd (2007) Arbitration under AAA rules, involving issues of corporate identity, fraud and construction of international supply agreement, and an appeal to the Commercial Court.

Chattan Developments Ltd v Reigill Civil Engineering Contractors Ltd [2007] EWHC 306 Appeal under s.69 of the Arbitration Act 1996 upholding arbitrator's finding that an agreement to delete clause 24 from JCT80 excluded both LADs and unliquidated damages

Promar International Ltd v Clarke [2006] EWCA Civ 332 correct orders for costs following compromise at trial where costs not agreed

Salford City Council v Torkington [2004] EWCA Civ 1646 correct approach to the measurement of damages for loss of profit in loss of business claims

Re Bhullar Bros Limited [2003] BCC 711, BCLC 241 (CA) fiduciary duties of directors

## **Recommendations:**

### Chambers UK 2013

'...splits his time between shareholder disputes, other commercial matters and chancery issues.'

"...is highly effective," "intellectually brilliant" and someone who provides "silk-like quality and dependability.'

'...regularly acts against silks in the Northern business courts. Clients like him as "he's a determined man who doesn't panic. If he takes a point he can be relentless with it." Observers say: "He's good because he offers clear, cogent and practical advice."

'...is described as a "strong advocate" by peers who note that he is well regarded in the insolvency area.'

### Chambers UK 2012

"...is very good with clients in conference.", "very strong on paper" and "excellent in court."

"a great style and ability to grasp all the important details.

"...is "always ready to take on a challenge"

"...is "a great advocate who takes a mature approach"

### Chambers UK 2011

"...is easily one of the most able and experienced juniors on the circuit.."

"...considers carefully all the possibilities on offer before providing an answer."

### Chambers UK 2010

"...immensely skilled orator" is a "commanding trial lawyer" and a first choice for leading solicitors - "he will reach the very top in years to come,"

"...an incisive legal brain and unwavering authority in court."

"...very able intellectually and excellent in court."

#### Chambers UK 2009

"...first choice junior" for many solicitors as he "has a good grasp of his cases, is succinct in his submissions and has a relaxed style in court." He also "seems to have a winning streak:" he acted successfully in a two-week trial regarding a £500 million breach of warranty claim.

"...Creative yet practical" in applying his "great wealth of knowledge" to partnership law, he is "able to recognise and remove the emotional element" intrinsic to sensitive partnership disputes

"...He is terrifically astute and employs his great intellect and logical mind to good effect."

"...Very good and able Senior Junior"

#### Chambers UK 2008

Neil Berragan leads the way, and "he's very succinct as an advocate" "Whereas some barristers over elaborate, he sticks to the main points and develops them intelligently." "A well-liked practitioner with bucket loads of common sense"

He consistently delivers "cogent and quick advice." His "combative" style and "gravitas in court" make him "a super senior junior that you can use on the biggest cases."

Previous comments in Chambers directory include:

"...a measured advocate whose rapier like cross examinations have done for a lot of opponents"

"...admired for his excellent advice and strong advocacy"

"...polished advocacy - commercial and user-friendly - he gets involved and is not afraid to roll his sleeves up" "good on his feet"

#### Legal 500 2012

"Recommended for commercial dispute resolution"

#### Legal 500 2011

'a silk in the making'

#### Legal 500 2010

"widely experienced in high-value commercial disputes"

#### Legal 500 2009

"a veteran of numerous high-value commercial disputes"

#### Legal 500 2008

"a 'tough nut', excellent in court where there's a real scrap"

#### Legal 500 2007

"a first-class chancery lawyer with a large following"

Other comments in Legal 500:

"Clients rate Neil Berragan highly"

"Phenomenally busy"

Recommended "for commercial litigation across the board"

#### **Memberships:**

Northern Circuit Commercial Bar Association

Northern Chancery Bar Association

Chancery Bar Association

Professional Negligence Bar Association

Bar Pro Bono panel

Northern and North Eastern Circuits

#### **Career & Education:**

University: Oxford (Pembroke College)

Degree: M.A. Jurisprudence

Year of Call: 1982 (Grays Inn) (Holt Award); Ad eundem member of Lincolns Inn

Joined Chambers: 2001