

NEIL BERRAGAN

Year of call: 1982

Qualifications: Pembroke College Oxford MA (Jurisprudence), Holt Award, Gray's Inn

Clerked by: Gary Young Harry Young

AREAS OF EXPERTISE:

Banking & Finance Civil Fraud Dispute Resolution Insolvency Sport



Profile

Neil practises in the specialist business courts (Mercantile, Chancery and TCC) in Manchester, Liverpool, Leeds and Birmingham. He also appears in the High Court in London (including the Companies Court, Commercial Court and TCC) and in the Court of Appeal.

His practice is focused on advocacy, both oral and written.

Neil is recognised as one of the leading juniors for commercial work in the North West, and he is regularly instructed against QCs.

Neil frequently acts on applications for interim relief, where his experience and understanding of the court process enables him to provide clients with practical and realistic advice, and to focus case preparation to the client's best advantage.

He has acted in a number of commercial arbitrations, domestic and international.

He has acted for a large number of major plc clients in the in substantial commercial disputes. He also has advised and acted in many substantial shareholder disputes, and other important company and insolvency matters.

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

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Areas of Expertise

Banking & Finance

Neil has provided comprehensive advice on SWAPs mis-selling to a number of corporate clients, leading to successful claims against various banks.

He recently represented a group of Iranian customers who brought claims for race discrimination against high street banks. He represents banks and customers in loan disputes and recovery claims.

Civil Fraud

A significant part of Neil's practice involves applications for pre-emptive injunctions in fraud cases (freezing and search orders, restraining breaches of fiduciary duty, misuse of confidential information etc). Neil has a recognised ability to identify the crucial evidence, and advise accordingly. He is acknowledged as an effective cross-examiner of difficult witnesses, building on thorough trial preparation.

Significant Reported Cases

Ticket2Final OU v Wigan Athletic AFC [2015] EWHC 61b (Ch) LTL 2/2/2015. Successfully defended allegations of fraud in connection with a commercial sponsorship deal.

Ececo Ltd v Eco Installer Funding & others [2015] (Merc.) Obtained freezing injunctions for an installer of home insulation which had been conned into "banking its carbon" under the Green Deal / ECO scheme with a sham company.

Anthony McGill v SEM Group & others [2014] EWHC 3000 (QB) (Merc.) Successfully defended a football club, executives and senior coaching

staff against a football agent's claim that he had been fraudulently 'cut out' of a transfer agreement.

Kammac plc v Hancox [2013] (Ch), successfully defended a former factory manager against claims of fraud and theft

UECL & Birwelco Ltd v Hirst & Guest (2013) successfully resisted a claim for £2M damages for deceit and fraudulent misrepresentation arising out of a share sale agreement, raising complex contractual, commercial and engineering issues.

CVS v Cooper [2013], successfully defended claim to set aside a prior compromise allegedly obtained by fraud

Shaw v API Group plc and Ferguson LTL 11/6/2008 (Merc.) Successfully defended the company against various claims claim including fraudulent misrepresentation by the unsuccessful bidder for the purchase of a subsidiary company

DDT Trucks of North America Ltd v DDT Holdings Ltd (2007) Arbitration under AAA rules, defending allegations of fraudulent termination of an exclusive supply agreement

Dispute Resolution

Neil is widely recognised as a leading junior for business disputes in the North West. As comments in the professional guides testify he is recognised for his ability to focus on the central issues, and to explain them to clients. He appears regularly in the specialist courts on interim applications and substantial trials, where he is recognised as a very effective cross-examiner.

Significant Reported Cases

Currie v Brooks [2015] (Merc.) Successful claim for damages for breach of a non-circumvention and confidentiality agreement by a property developer; issues of interpretation and application of the contract.

Hanlon v Rayson and Quadrant Holdings Ltd [2015] (Ch) Successfully represented an investor recovering a loan from a borrower who had already repaid the company which acted as intermediary; issues of agency and the without prejudice rule.

R (May) v CIMA [2013] EWHC 1574 (Admin), successful application to quash finding of professional misconduct arising out of a charge of misuse of confidential information. Led by Richard Clayton QC. We demonstrated that the information in question was not "confidential" contrary to the views of the disciplinary tribunal, and to the approach adopted by the client's previous advisors.

Smile Better Ltd v Travis Perkins [2012] (Merc), successful claim for breach of a series of marketing contracts

Waste Tec v H.W. Martin Waste Ltd [2012] EWCA Civ 859, successful claim and appeal on behalf of waste management licensees; issues of construction of the contract

Sayce v TNT [2011] EWCA Civ 1583, unsuccessful attempt to persuade CA to grant permission to appeal Copley v Lawn credit hire decision to SC, on issue of mitigation of damages

Meridian Business Support v Jared and Kennedy [2010] (Merc), successful claim to enforce post-termination employment covenants, raising issues of enforceability

Pirtek (UK) Ltd v Joinplace Ltd [2010] EWHC 1641 (Ch), successful claim against former franchisees, raising issues of enforceability

Insolvency

Neil's expertise and experience in civil fraud and commercial disputes mean that he is well-placed to advise and represent both IPs, directors and other in contentious insolvency claims, particularly involving ROT, recovery of assets, breaches of duty and fraud.

Significant Reported Cases

Powerhouse Golf Ltd Neil acted for administrators appointed by Sports Direct on an urgent application for an injunction to prevent the directors of Direct Golf Ltd from interfering with the administrator's functions.

Portland Commercial Bodies Ltd acted for the directors who were sued by the liquidator for £500k in connection with a share buy back and alleged financial assistance

Currie v Brooks [2015] (Merc.) (see above). One issue at trial concerned the effect of the claimant's bankruptcy on the claim, whether the claim became part of his bankruptcy estate, and the effect on a partnership.

Templeton Insurance Ltd v Brunswick & Booth [2012] EWHC 3319 (Ch), successfully defended personal claim against trustee in bankruptcy who had received tainted funds.

Sport

Neil has represented a number of football clubs in a variety of commercial disputes. He acted for a rugby league player caught up in a contract dispute between Leeds Rhinos and Bradford Bulls, and currently represents a group of former Spanish and Argentinian PL players in a large film scheme claim. Neil has chaired the AGM of the British Wrestling Association and is the current chair of the BWA Selection Appeals Committee.

Significant Reported Cases

Ticket2Final OU v Wigan Athletic AFC [2015] EWHC 61b (Ch) LTL 2/2/2015. Successfully defended the club against allegations of fraud in connection with a commercial sponsorship deal.

Anthony McGill v SEM Group, Bolton Wanderers & others [2014] EWHC 3000 (QB) (Merc.) Successfully defended the club, executives and senior coaching staff against a football agent's claim that he had been fraudulently 'cut out' of a transfer agreement.

Henning Berg v Blackburn Rovers [2013] EWHC 1070 Ch, unsuccessful attempt to withdraw admission of liability for manager's severance pay made by the club's managing director without authority of club owners - praised by judge for brave attempt to argue the impossible.

Chief Constable of Greater Manchester Police v Wigan Athletic AFC [2009] 1 WLR 1580 (CA), defining rights of police to charge for policing football matches.

Memberships

Northern Circuit Commercial Bar Association (NCCBA)

Northern Chancery Bar Association (NChBA)

Chancery Bar Association (ChBA)

Professional Negligence Bar Association (PNBA)

Qualifications

Pembroke College Oxford MA (Jurisprudence)

Holt Award, Gray's Inn

Recommendations

Chambers UK 2021

"Neil has been there, seen it, done it. He is a very calm advocate - he doesn't waste his words and he really commands the ear of the court." "You know the advice he's giving you is spot on."

"He is excellent. A very polished and persuasive advocate."

"He has a broad practice and is a strong opponent who always put his points forcefully."

"He puts you at ease and has a great presence in court."

"He is unbelievably good on his feet and is academically fantastic." "His advice is always technically sound and he has an eye on the commercial realities for his clients." "He is an excellent advocate and his calm manner disguises a steely desire to secure the appropriate result for his client."

Legal 500, 2020

"Neil is first rate and my go to junior counsel in Manchester. He is academically brilliant, good with clients and his advice is straight to the point. He is superb on his feet with no weaknesses."

"Completely unflappable and has the respect of judges."

"Neil is able to quickly grasp the relevant details in an instruction and takes a direct approach to where necessary with clients."

"Incisive and detailed; excellent in court and well respected on the circuit; a QC in all but name."

"An excellent senior-junior and first-rate advocate."

Chambers UK 2020

"Analytical and technical with excellent communication skills. He is able to provide advice directed towards a commercial solution." "He's down to earth, robust in his advice and pragmatic."

"He provides commercial advice and has excellent communication skills." "He is first rate - a brilliant advocate."

"Neil Berragan is a very experienced senior junior and a formidable opponent."

"He is a very good advocate and a very keen operator." "He has got an air of authority that shows his experience in high-level cases."

"He is very thorough, unflappable and measured. He is always calm and nothing gets past him." "He's wonderful to work with and handles clients very well." "A forceful advocate and fantastic in conference."

A "highly professional" barrister who "appears in numerous significant cases."

Chambers UK 2019

"He's really bright, very smart and very responsive." "He presents very well, he's unruffled and works well under pressure." "He's a very tenacious advocate - very good and very forceful in court."

"He is a fantastic advocate with an extremely compelling and persuasive manner about him. He is very good in conference with clients and is able to cut through the detail and focus client's minds on the important issues." "He knows the judiciary very well and has a good sense of how things will play out."

"He is thorough and unfazed by what is going on around him in litigation and sticks to the point. He is experienced and has the sort of gravitas that shows he is comfortable with the subject matter."

"He is a safe pair of hands and someone you can rely on."

"Really smart and will get in there and fight for you."

"He is supremely bright, his paperwork is excellent and he is user-friendly."

Legal 500 2019

"He has a good bedside manner with clients."

Chambers UK 2018

"Neil is very able and an excellent advocate." "A tenacious and polished advocate."

"He has a sharp intelligent mind and a calm approach. He is robust and reliable." "He is thorough, detailed and very bright."

"An extremely able junior and a very clear advocate; judges rate him." "A phenomenal knowledge of this area of law and very adept at getting to the heart of the matter quickly."

"He's sound, a good lawyer and a good all-round barrister."

"Neil's ability to pick up matters quickly and to present our client's case very effectively played a crucial part in securing the desired outcome."

"He has extensive experience and is very well connected in the regulatory side of sport."

Legal 500 2018

"Intelligent, perceptive and determined."

Chambers UK 2017

"Realistic and commercial, and quickly gains the trust of clients." "Provides knowledgeable, solid and pragmatic advice."

"His court work is just fantastic - he's really great on his feet." "He is excellent, a very solid advocate and very good with clients." "A tough litigator who is very strong on all commercial disputes."

"He is a fantastic advocate: he is someone who will take a case and grab it by the neck." "A highly regarded barrister who is always very well prepared."

Legal 500 2017

"A hugely experienced advocate; there is nothing he has not seen."

Chambers UK 2016

"A top-notch barrister with a real ability to empathise and interpret complex legal principles for the layman."

"In a tough corner, he is the counsel to get to first. He is calm, assured, and a clear, focused thinker who wins the respect of judges but is challenging in witness cross-examination."

"He is clearly very experienced and has very sound judgement, which in turn inspires confidence. He is a safe pair of hands and is good with clients."

"His strengths are his preparedness to be instructed at short notice and to make himself available out of hours."

Chambers UK 2015

"A senior junior with a very good advocacy style; he gets more done by saying less." "He's ferocious. He'll always put up a good fight."

"He can turn his hand to anything. He saves the day at the last minute, keeping things calm and pulling out all the stops."

"He is a strong advocate with wide experience in partnership law. He is tactically good and able to forensically identify the relevant from the irrelevant."

"He is a strong and measured advocate." "He has a real gravitas about him."

