

NICK TAYLOR | MANCHESTER, LEEDS & BIRMINGHAM

Year of call: 2019

Qualifications: MSci, MA (Cantab),
Natural Sciences, University of
Cambridge (2009-2013). Double First.

Clerked by: James Mason Brandon
Singh

AREAS OF EXPERTISE:
Banking & Finance Company
Commercial Dispute Resolution
Insolvency & Restructuring
Partnership Professional Negligence
Real Estate Litigation Sport
Technology & Construction



Profile

Nick became a tenant at Kings Chambers in September 2020 after completing pupillage under the supervision of Andrew Latimer and Eleanor Temple. Nick has now developed a busy practice across all areas practised by the Business and Property team with a particular interest in insolvency, commercial and corporate disputes.

During pupillage, under the supervision of Andrew Latimer, Nick gained experience in all aspects of commercial and chancery work, with an emphasis on commercial dispute resolution, company and property matters. In his second six and under the supervision of Eleanor Temple he gained particular experience in insolvency, banking and finance work.

Before coming to the bar, Nick qualified as a chartered accountant in the corporate tax team at one of the 'Big 4' firms, providing a useful background when dealing with matters with an accounting, financial or tax aspect.

Year of Call: 2019

Areas of Expertise:

Banking & Finance

Nick's prior experience as a chartered accountant has provided him with a strong grounding and knowledge relevant to all aspects of banking and finance.

Examples of recent work include:

- Successfully defending a major bank in a legally complex claim raising issues as to unjust enrichment for an alleged mistake of law, the CRA 2015 and UTCCR 1999 and the common law penalty doctrine
- Defending financial institutions in PPI claims brought under the Consumer Credit Act 1974
- Acting (led by Mark Harper QC) for the defendant in a claim for the recovery of monies lent pursuant to a loan and facility agreement. The claim was legally complex and raised issues under the CCA 1974. The claim settled shortly before trial.
- Acting for consumers in claims brought against lenders for mis-sold solar panels under the CCA 1974 under the 'linked lender' liability provisions

- Drafting proceedings in a claim valued in excess of £2m against a major bank (led by Mark Harper QC)
- Advising on potential FCA authorisation issues and the provisions of the CCA 1974 in respect of informal loans between private individuals
- Regularly acting directly for a major bank in retail litigation

Company

Nick has a particular interest in company law work. Nick has recently acted for the petitioning minority shareholder in a four week arbitration of an unfair prejudice petition (led by Paul Chaisty QC). During pupillage, Nick gained significant experience (with Andrew Latimer and Mark Harper QC) of shareholder disputes, including unfair prejudice petitions, derivative actions and winding up on the just and equitable ground.

Examples of recent work include:

- Acting for the petitioner in a four-week arbitration of s994 petition (LCIA Rules) led by Paul Chaisty QC. The petition was factually complex and raised legal issues including fiduciary duties, quasi-partnerships, minority discounts and the date of valuation for buy-out orders. Phase 1 of the trial (liability) concluded in February 2022 with Phase 2 (valuation) expected in late 2022/early 2023.
- Drafting proceedings for an unfair prejudice claim involving issues of quasi-partnership, breaches of directors' duties and unlawful reductions in shareholdings
- Advising a company director in connection with potential disqualification proceedings. Following correspondence (drafted by Nick) the Insolvency Service declined to take any further action against the director
- Successfully representing a company in an application under section 1096 CA 2006 to remove confidential material from the Register of Companies and providing further advice on associated companies and confidential material on the Register
- Advising on a potential breach of directors' duty/breach of confidence claim
- Regular appearances in Companies Act applications including applications for rectification of the register, replacement of charges and extensions of time to deliver charges to the Registrar.
- Successfully appearing for a director in proceedings under the CDDA 1996 seeking permission to act as a director for a number of companies. Nick appeared for the director at an interim and final hearing.
- Advising on various aspects of Isle of Man company law in relation to the registration of charges

Nick has delivered a seminar (with Mark Harper QC) titled "The Limitations on the Unfair Prejudice Remedy", which discussed the impact of the decisions in *Re Hut Group Ltd* [2021] EWCA Civ 904 and *Taylor Goodchild Ltd v Taylor & another* [2021] EWCA Civ 1135

Commercial Dispute Resolution

Commercial disputes form the core of Nick's practice. He is experienced in all aspects of contractual disputes, including debt recovery, sale and supply of goods and services, consumer credit finance, factoring and insurance claims. As a pupil with Andrew Latimer, Nick gained particular experience of high-value breach of warranty and post-completion SPA claims.

Nick regularly advises on and represents clients in all court proceedings, including multi and fast-track trials, small claims and interlocutory hearings. Nick has advised on all aspects of civil procedure, including evidence, costs and issues relating to service out of the jurisdiction.

Examples of recent experience include:

- Acting as sole counsel for a recruitment agency in a 3-day trial against a former employee for breach of pre-and post-termination clauses of an employment contract
- Acting for the petitioner in a four-week arbitration of s994 petition (LCIA Rules) led by Paul Chaisty QC. The petition was factually complex and raised legal issues including those related to fiduciary duties, quasi-partnerships, minority discounts, valuation dates and others. Phase 1 of the trial (liability) concluded in February 2022 with Phase II (valuation) expected in late 2022/early 2023
- Instructed as sole counsel for the claimant in a High Court claim for breach of contract/unjust enrichment in connection with IT services provided over a number of years to an insurance company. Nick drafted the proceedings and advised on the case up to trial. The case settled favourably shortly before trial
- Successfully defending a company in proceedings alleging claims under a licence agreement, various oral agreements and a damages claim in respect of commercial property. The case settled at trial after the first day after Nick's cross-examination of the principal witness
- Successfully resisting an application for pre-action disclosure in a prospective claim worth in excess of £1m
- Defending equine breeders in respect of an allegedly mis-sold show pony

Insolvency & Restructuring

Nick has a broad experience of corporate and personal insolvency, including voluntary arrangements, liquidations, administrations and bankruptcy proceedings. Nick is also developing experience in directors disqualification proceedings having now successfully appeared for directors at a number of applications seeking permission to act.

Examples of recent experience include:

- *Re A Company* [2021] EWHC 2289 (Ch) - a preliminary hearing of a winding-up petition which considered the 'coronavirus test'. Nick acted for the successful respondent company.
- Advising a liquidator as to whether certain payments constituted a "transaction" for the purposes of s283 IA 1986
- Regular appearances in the applications lists including for administration orders, applications to extend or discharge administrations and applications to make distributions to unsecured creditors
- Advising a company on various matters in connection with CVA proposals
- Advising a trustee-in bankruptcy on a potential transaction at an undervalue claim
- Advising on and successfully appearing at a hearing to have a 'homes rights' notice removed from a bankrupt's residential home
- Appearing on behalf of the directors on an application for the directors to act for companies known by prohibited names under s216 IA 1986
- Advising a company director in connection with potential disqualification proceedings. Following correspondence (drafted by Nick) the Insolvency Service declined to take any further action against the director
- Advising a trustee-in-bankruptcy whether settlement amounts received from group litigation orders vested in the trustee-in-bankrupt
- Advising a trustee-in-bankruptcy on points arising from the sale of various properties in relation to capital gains tax
- Regular appearances in the winding-up lists and instructions in connection with contested winding-up petitions where debts are said to be disputed
- Successfully appearing for a director in proceedings under CDDA 1996 seeking permission to act as a director for a number of companies. Nick appeared for the director at an interim and final hearing.
- Assisting Eleanor Temple in a four day remote trial in relation to a misfeasance action brought by a liquidator against two directors involving a complex international corporate structure (as a pupil)

Nick delivered a seminar to the Leeds Business and Property Courts Forum with Her Honour Judge Jackson and Eleanor Temple on the 'new' Schedule 10 of CIGA 2020 in relation to winding up petitions.

Nick is a regular contributor to the Kings Chambers Insolvency Newsletter, and has written articles on a diverse range of topics including annulment and rescission of bankruptcy orders, *Re Rhino Enterprises Properties Ltd* [2020] EWHC 2370 (Ch) and football finance.

Partnership

Professional Negligence

Nick's background as an accountant and tax advisor has given him a particular interest in, and insight into, professional negligence claims particularly those against accountants/auditors.

Examples of recent work include:

- Advising on and drafting proceedings in connection with a failed tax avoidance scheme for SDLT. The claim
- Drafting proceedings against a firm of solicitors in respect of negligent residential conveyancing
- Drafting proceedings against a firm of tax advisors and auditors for negligent accounting and tax compliance services

Real Estate Litigation

Nick has experience of acting in and advising on proceedings regarding easements, forfeiture, boundary disputes, freehold valuation disputes, leasehold disputes and possession proceedings for residential tenancies and by mortgagees.

Nick has a particular experience in difficult possession claims, including cases involving common law tenancies/licences and where there are allegations of trusts in favour of the occupiers.

Examples of recent work include:

- Successfully obtaining a possession order on behalf of an overseas national for a property let to family members. The tenants alleged ownership of the property pursuant to a historic trust arrangement. Nick advised and appeared throughout the proceedings including cross-examining multiple members of the family
- Acting for a liquidator to successfully obtain possession of a residential property held in the name of a company from former directors of the company and family members. The occupiers alleged ownership of the property on various bases and sought rectification of the register.
- Advising on forfeiture issues for recovering commercial property during the pandemic
- Drafting proceedings (led by Mark Harper QC) in a claim seeking rectification of the register following the fraudulent transfer of high-value property to offshore companies
- Appearing in FTT (Lands Chamber) proceedings challenging the reasonableness of service charge demands
- Nick regularly advises landlords, management companies and leaseholders in connection with their rights and obligations under residential leases

Sport

Nick represented a former football player in proceedings brought against a firm of solicitors for unpaid commission on transfer fees involving the FA Regulations 2009. The case settled shortly before trial.

During pupillage, Nick observed a remitted arbitration under FA Rule K. Nick has an ongoing interest in sports disputes.

Technology & Construction

Qualifications:

Bar Professional Training Course, BPP Law School (2018-2019) 1st in year.

Graduate Diploma in Law, BPP Law School (2017-2018). Distinction, 1st in year.

MSci, MA (Cantab), Natural Sciences, University of Cambridge (2009-2013). Double First.

Chartered Accountant (CA), Institute of Chartered Accountants of Scotland (ICAS)

Awards:

North Eastern Circuit Prize for the highest mark on the BPTC (2019)

Park Square Chambers prize for highest mark in Civil Litigation (2019)

Kings Chambers prize for the highest mark in Company Law (2019)

DWF Prize for highest mark on the GDL (2018)

Plexus Law Prize for the highest mark in Tort Law (2018)

Advocacy, Excellence and Regional Centre Scholarships, BPP Law School (2018)

Queen Mother Scholarship, Middle Temple (2017, 2018)

Harmsworth Entrance Exhibition, Middle Temple (2018)

Samuel Taylor Scholarship, Sidney Sussex College (2012, 2013)

Tripos Scholar of Sidney Sussex College

Memberships:

The Honourable Society of the Middle Temple

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ICAS